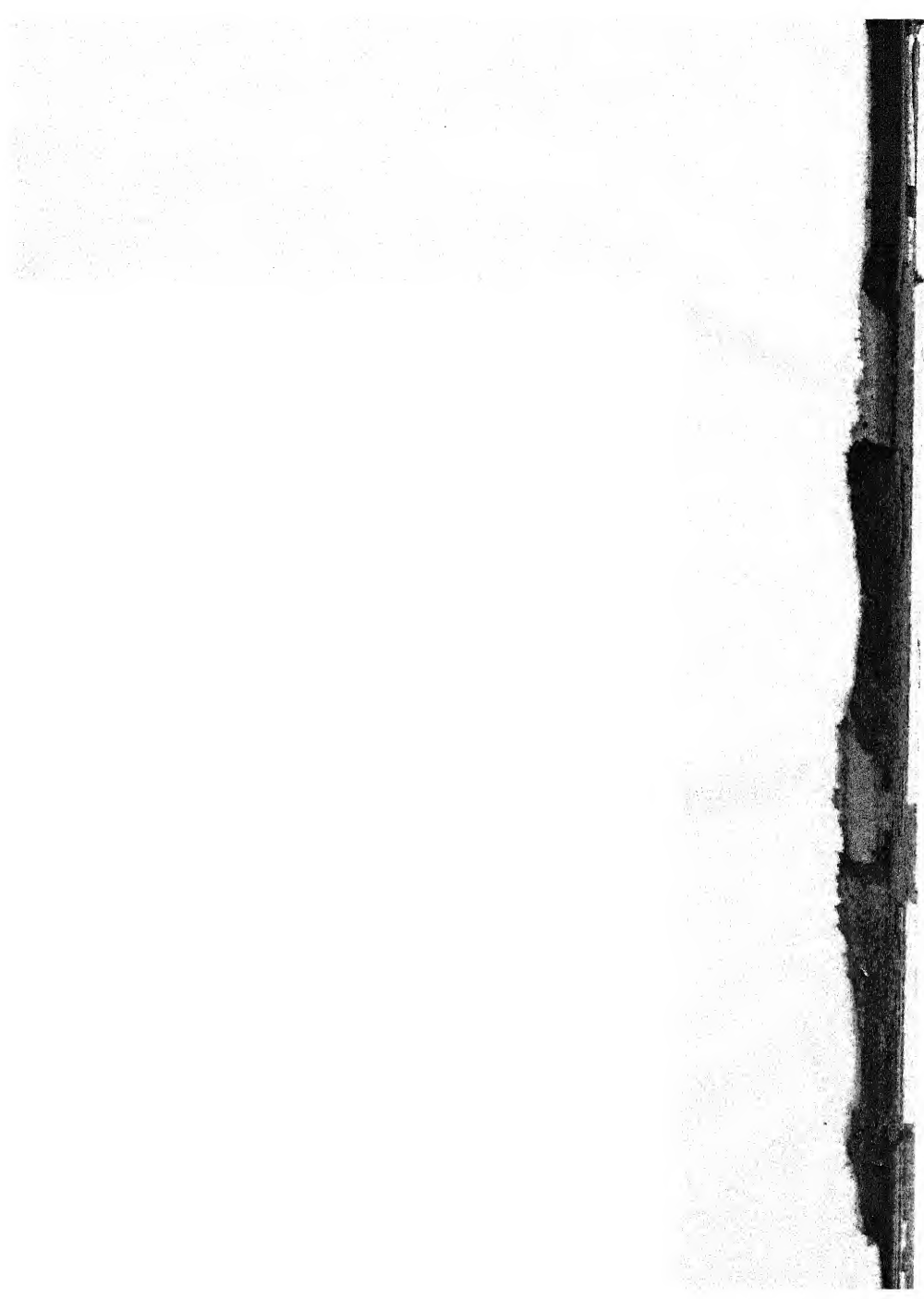
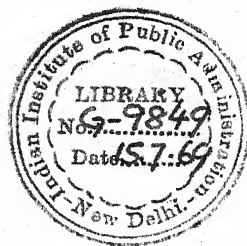


**STATE DIRECTORATES OF MUNICIPAL
ADMINISTRATION**



STATE DIRECTORATES OF MUNICIPAL ADMINISTRATION



Mohit Bhattacharya



CENTRE FOR TRAINING & RESEARCH IN MUNICIPAL ADMINISTRATION
THE INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
INDRAPRASTHA ESTATE, RING ROAD, NEW DELHI-1

© THE INDIAN INSTITUTE OF PUBLIC ADMINISTRATION, NEW DELHI
MARCH, 1969

PRICE : INDIA : Rs. 5.00
ABROAD : \$ 1.50

FOREWORD

The Centre for Training and Research in Municipal Administration was set up in December 1966 as a wing of the Institute with a grant-in-aid from the Ministry of Health and Family Planning. It has been conducting training courses for municipal employees and undertaking research in municipal government. The diverse problems of municipal government in India have not attracted the researchers' attention in a big way. This Centre and three other Regional Centres that have been set up so far in Bombay, Calcutta and Lucknow are, therefore, expected to fulfil a long-felt need.

The present study forms a part of the research programmes launched by the Centre on different aspects of municipal government. Based on extensive field survey, the study seeks to chart out the actual working of a new agency of State administration dealing with the municipal bodies. It may thus be treated as a micro-study of State-municipal relations on which further studies are underway in the Centre. Since not much of field material is available on the subject, this study is expected to be useful to both administrators and academicians, and to provoke fresh thinking on municipal government and administration in this country.

J. N. KHOSLA

Director

Indian Institute of Public Administration

New Delhi,
March 15, 1969

PREFACE

The Study of State Directorates of Municipal Administration in the various States in India was undertaken on behalf of the Centre for Training & Research in Municipal Administration in this Institute by Shri M. Bhattacharya, Lecturer in Municipal Administration. He visited all the states where such Directorates have been functioning and made personal investigations not only as to the structure of the Directorates but also the manner of their functioning, and he has now produced a very comprehensive study on this new subject in the field of municipal administration.

Most of the Directorates of Municipal Administration in the country are still in their infancy and much experience as to their working has not been gathered yet anywhere. Besides, there are differences among the states not only as regards the formal constitution of the Directorates but also about the actual working of these and their relationship with the urban local bodies and the local self-government department at the state level. Shri Bhattacharya did not spare any effort in collecting whatever facts were available through personal investigation and has presented all the information in a very objective manner. As a preliminary study, this small publication will fill a gap in the literature on municipal administration in this country and will be particularly useful to students in academic institutions, apart from practitioners in the field.

Whereas urban local governments have been in existence in our country for many decades now and efforts have been made from time to time to bring about improvements in the system, there has generally been an absence of serious thinking on urban development and administration in the context of the political evolution that has taken place in our country since Independence. If anything, the general picture is one of urban local bodies having lost some of their vigour and initiative, partly because

of greater interest as such in the state and central levels of political institutions, and partly because of greater interference by the state government in local administration. This latter phenomenon may, indeed, be a by-product of the coming into existence of popular political institutions at the state and central levels. Whereas, by and large, the intention behind the creation of Directorates of Municipal Administration was to help strengthen urban local bodies and offer friendly assistance and guidance to them, the general trend has been towards the Directorates becoming another agency for intervention. It is heartening to know that there are exceptions to this situation and it is hoped that the working of the Directorates in those states where they help foster local government would be emulated by the other states as well. The Rural-Urban Relationship Committee set up by the Government of India, to which references have been made by Shri Bhattacharya in this Study, recommended the setting up of Directorates, mainly with a view to providing an agency which would act as the mouth-piece of the urban local bodies in their dealings with the state government. But, unfortunately, in most cases, this has not happened. On the contrary, almost exactly the opposite is beginning to appear. In fact, the Directorates have begun to function as superior authorities at the bureaucratic level. As such, they would not only not serve the purpose for which they have been created, but may even lead to a further deterioration of the existing position and greater emasculation of the urban local bodies. Unlike many of the other departments of the state government, which act as instruments to supervise field activities, besides the existence of a general *factotum* in the shape of a District Magistrate or Deputy Commissioner, the state local self-government department does not have such an instrument at its disposal and urban local bodies have no one to look up to for support and help. So far they have been dealing directly through the District Magistrate (and the Divisional Commissioner in some states) and seldom with the department at the state level. It was hoped that the Directorates would fill this gap and help strengthen the relationship between the state government and the numerous urban local bodies within the state. It is also to be noted that urban local bodies are not analogous to departments of Government, which are essentially

executive agencies of Government. Urban local bodies are created by statute and are representative of the people in an urban area in the same manner as the state government is of the people in the state. Qualitatively, therefore, urban local bodies constitute an entirely different level of government and need to be treated differently and should not be treated as subordinate local branches of a department of Government. This study would stimulate thinking on the subject and help policy-makers at the state level to reconsider their stand in regard to the constitution and functions of the Directorates. It may be desirable that for their smooth and successful functioning, they should work under the guidance of a Board or similar organisation with a distinct political status. The Directorate could then be an executive agency of this Board. These matters, however, need careful thought in the light of the experience gained so far and the ultimate objective of setting up Directorates.

I have much pleasure in recommending this study. It is the first one of its kind and Shri Bhattacharya has undertaken his task with thoroughness and analytical precision.

GIRIJAPATI MUKHARJI

Director (CMA)

Indian Institute of Public Administration

New Delhi,
March 15, 1969



ACKNOWLEDGEMENTS

Dr. J. N. Khosla, Director of the IIPA, has been the guiding spirit of the Centre for Training & Research in Municipal Administration since its inception; the author is immensely grateful to him for writing the Foreword. The idea of making a study of the State Directorates of Municipal Administration originated in the mind of Professor G. Mukharji, Director of the Institute's Centre for Training & Research in Municipal Administration, to whom the author's debt is, therefore, the heaviest. Professor Mukharji has been kind enough to carefully go through the first draft, make editorial corrections and constructive comments and write a fairly long prefatory note. Shri A. Datta, Reader in Municipal Administration, has also read and criticised the report helpfully. The author gratefully acknowledges his indebtedness to both. During field trips to the six States of Andhra Pradesh, Gujarat, Kerala, Maharashtra, Punjab and Rajasthan, considerable help was ungrudgingly extended by the Presidents of selected municipalities and by the Directors of Municipal Administration in the respective States and other officers of the Directorates, for which the author is most grateful to all of them.

The author appreciates the able assistance provided by the staff of the Centre and the Printing Unit of the Institute. For the views expressed and any errors or omissions, however, the responsibility belongs to the author alone.

M. B.

New Delhi,
March 16, 1969

CONTENTS

Foreword	...	...	...	...	v
Preface	...	...	...	...	vii
Acknowledgements	...	...	...	...	xi
List of Tables	...	...	...	...	xv

CHAPTER

I. Introduction	...	...	...	1
II. Municipal Government in Six States	...	...	...	3
III. Directorates : Main Objectives	...	...	...	11
IV. Legal Status and Organisation	...	...	...	18
V. Powers and Functions	...	...	...	26
VI. Secretariat-Directorate Relations	...	...	...	33
VII. Directorates and District Administration	...	...	...	43
VIII. Directorates at Work	...	...	...	54
IX. Epilogue	...	...	...	61

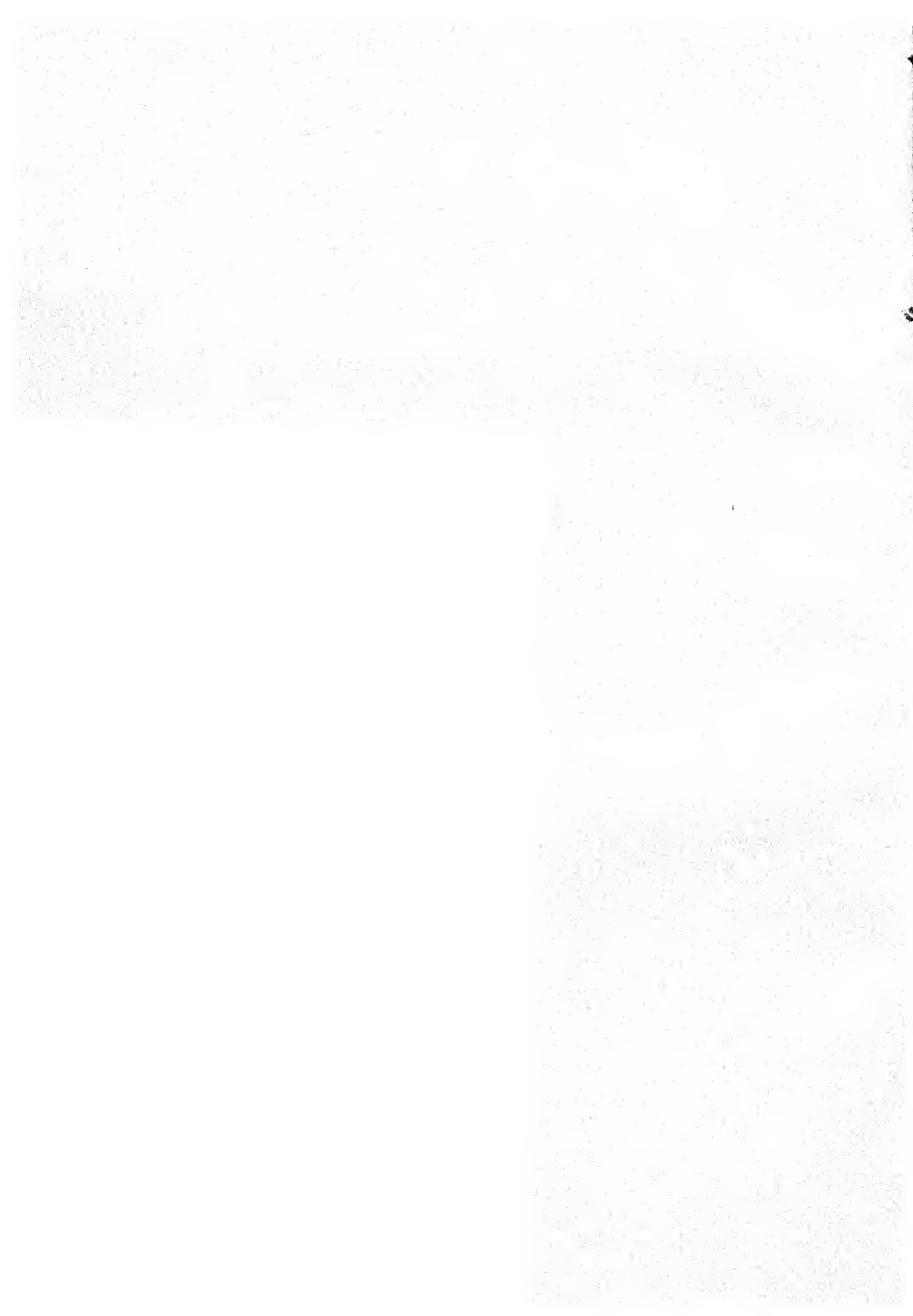
APPENDICES

A. Recommendations of the Rural-Urban Relationship Committee on State Directorates of Local Bodies	...	...	...	71
B. Major Powers of the Directorates of Municipal Administration	...	...	...	77
C. Major Powers of the District Collectors in Respect of Municipal Bodies	...	...	...	97



LIST OF TABLES

<i>Table</i>	<i>Title</i>	<i>Page</i>
1.	Directorates : Year of Constitution ...	12
2.	Number of Municipalities in Six States, 1968	24
3.	Directorates : Total Costs, 1967-68 ...	25
4.	Organisation of Secretariat Departments and Directorates in Six States, 1968 ...	36
5.	Overlapping Powers of Director and Collector	49
6.	Visits and Inspections by Directors during 1967-68	55



INTRODUCTION

Municipal government in India in its present form was introduced by the British. Barring the Presidency towns such as Madras and Calcutta, other towns were sought to be given municipal status after the passage of the Act X of 1842. Instead of being created on spontaneous popular demand, the municipal institutions were in most cases imposed from above, and the hiatus between citizens and urban local government has remained unbridged ever since the inception of municipal government in India. In consequence, municipal bodies clambered on through the last one century and a quarter under a waxing and waning official attention. In spite of Lord Ripon's cherished desire and the recommendations of the Decentralisation Commission (1909), municipal government remained tied to the apron-string of the District Collector for a long time, and its emancipation came only in the backwash of the Montagu-Chelmsford Reforms (1918). Popular ministers took over charge of local government as a sequel to the Reforms, and the District Collector's supervision changed from direct interference to control from outside. Later on, as the struggle for Independence intensified, local government had naturally receded in the background. Independence brought with it new promises and prospects. In 1948 the First Conference of the State Local Self-Government Ministers was convened amidst high hopes that local government would be given its proper place in the Indian polity, and under a Presidential Order the Central Council of Local Self-Government was established in 1954. With the inauguration of the Indian Constitution, responsibility for 'local government' as a State List subject fell squarely on the State Governments. As pressing problems relating to general economic development began competing for the attention of the States, municipal government

in general remained a Cinderella, patiently waiting for the fairy godmother to elevate her to health and affluence.

This study deals with a part of State-level administration concerning municipal government. Its theme is the Directorate of Municipal Administration which has in recent times been established by a number of States with the ostensible purpose of providing assistance and guidance to the municipal bodies and of putting governmental supervision and control on a more sound footing. The method adopted here is a census-type survey of the organisation and working of all the Directorates in operation. The six States visited in this connection are Andhra Pradesh, Gujarat, Kerala, Maharashtra, Punjab and Rajasthan. Apart from trips to State headquarters, selected municipalities were also visited in each State with a view to studying their reaction to the working of State Directorates. Based on these extensive field trips and study of formal statutes and rules and orders, this report aims at description, comparison and seeking explanations rather than prescribing recommendations. No doubt the Directorates are emerging as an important factor in municipal government and administration and it is perhaps too early to make an assessment of their working in most of the States. But, as an agency of the State Government employed to set urban local government in order, the establishment of Directorates has significant implications for municipal self-government which need to be carefully considered. With this end in view, the last chapter seeks to bring into focus some of the more important general problems underlying the organisation and working of Directorates.

MUNICIPAL GOVERNMENT IN SIX STATES

The six States whose directorates of municipal administration have been taken up for study are Andhra Pradesh, Gujarat, Kerala, Maharashtra, Punjab and Rajasthan. Andhra Pradesh was formed as a separate State in October 1953. It consists of two regions, namely, the Telengana Region and the Andhra Region. The Telengana Region formed part of the former Hyderabad State and the Andhra Region of the erstwhile composite Madras State. After the reorganisation of the States, the municipalities were being governed by two separate enactments in Andhra Pradesh. In the region comprising the former Hyderabad State, *i.e.*, the Telengana Region, the municipalities were being governed by the Hyderabad District Municipalities Act, 1956, and in the Andhra Region by the Madras District Municipalities Act, 1920. In 1965 the Andhra Pradesh Municipalities Act was passed in order to have a uniform municipal law for the entire State. All the Municipalities in Andhra Pradesh are now administered under the provisions of this consolidated Act.

Andhra Pradesh has 81 municipalities and one municipal corporation, *i.e.*, the Municipal Corporation of Hyderabad. The municipalities in this State are classified into five grades on the following basis :

- (a) Selection Grade Municipality—annual income of Rs. 10 lakhs and above and declared as such by government having due regard to its population and commercial importance.
- (b) Special Grade Municipality—annual income of Rs. 10 lakhs and above.
- (c) First Grade Municipality—annual income of more than Rs. 6 lakhs but less than Rs. 10 lakhs.

- (d) Second Grade Municipality—annual income of more than Rs. 3 lakhs but not more than Rs. 6 lakhs.
- (e) Third Grade Municipality—annual income of not more than Rs. 3 lakhs.

The State Government has constituted a unified system of municipal service for the municipal secretaries. Also the State Government may sanction the posts of Municipal Health Officer, Municipal Engineer, Education Officer and Town Planning Officer. Appointments to all these posts are made by the State Government. The Health and Engineering Services are integrated services for appointment to posts both under the State Government and to posts of corresponding status in the various grades of municipalities. For a few categories of posts such as managers, revenue officers and accountants, there is a separate service known as the Andhra Pradesh Municipal Subordinate Service for which the Director of Municipal Administration is the appointing authority. For all these services the State Government has framed extensive rules. At the Secretariat level the Health, Housing and Municipal Administration Department is in charge of municipal administration. The Directorate of Municipal Administration falls under this Secretariat Department.

Like Andhra Pradesh, Gujarat also is a newly constituted State which came into being in May 1960. The present Gujarat State has been carved out of the former Bombay State and the erstwhile princely States. To bring uniformity in municipal law the State Government had appointed the Committee for Rationalisation of Municipal Functions which submitted its report in December 1961. Following the recommendations of this Committee, the Gujarat Municipalities Act was passed in 1963, and it is this unified Act which governs all the municipalities in the State today. There are 52 municipalities and 3 corporations in Gujarat. It is one of the very few States which have introduced a grant-in-aid code for State subventions to municipalities. This has been done on the basis of the recommendations of a committee which was specially set up in 1962 to go into the question of regularising State grants-in-aid to the municipalities. In the absence of any unified or integrated cadre of municipal services in Gujarat, the municipalities in this State are more or less free to decide on their personnel administration. At the

State level, the Secretariat Department responsible for municipal administration is the Panchayats and Health Department. The Directorate of Municipal Administration comes directly under this Department.

Kerala is also a new State formed in November 1956. The present State of Kerala has been carved out of Cochin, Travancore and Malabar. After the formation of the new State, an integrated Act was passed to bring uniformity in municipal legislation. This Act is known as the Kerala Municipalities Act, 1960, which now governs all the municipalities in the State. There is one Township Committee for the Guruvayur Town which is governed by a special Act, namely, the Guruvayur Township Act, 1961. There are 28 municipalities and 3 corporations in Kerala. For the purposes of appointment of commissioners (municipal executive officers), the municipalities are graded into three categories :

Grade I having an annual income of Rs. 10 lakhs and above

Grade II between Rs. 5 lakhs and 10 lakhs

Grade III below Rs. 5 lakhs.

For all other purposes the municipalities are divided into major and minor groups. All first grade and second grade municipalities are classified under major group and all third grade municipalities and the Guruvayur Township fall in the minor group. Like Gujarat, Kerala has introduced a grants system on the recommendations of a committee which submitted its report in 1964. The municipal commissioner (chief executive) is appointed by the State Government from the State cadre in consultation with the municipal council. Also the health officer, the engineer (civil) and the electrical engineer are appointed by the State Government in consultation with the council, and these officers are State Government servants. With effect from November 1967, the Kerala Municipal Common Service has come into being which consists of all the posts the minimum starting pay of which is Rs. 80 and above in the establishments under the corporations and municipal councils and the Guruvayur Township. Thus, except the top executive and technical posts which are manned by government officers belonging to appropriate cadres, all other municipal employees now belong to the Common Municipal Service controlled by a central agency, namely, the Director of Municipalities. At the Secretariat level,

the Development Department is responsible for municipal administration and the Directorate of Municipal Administration comes under this Department.

After the reorganisation of States (1956), the municipalities in Maharashtra continued to be governed by a number of old enactments. The State has got three distinct regions, namely, the Vidarbha Region, the Marathwada Region and the Western Maharashtra Region. In Vidarbha and Marathwada, the municipal Acts in force were the C.P. and Berar Municipalities Act, 1922, and the Hyderabad District Municipalities Act, 1956. The municipal councils in the Western Maharashtra Region were divided into two categories. The bigger councils known as the Borough Municipalities were governed by the Bombay Municipal Boroughs Act, 1925, and the smaller councils by the Bombay District Municipalities Act, 1901. To advise the government on the unification of municipal Acts, a committee was set up which submitted its report in 1964. In accordance with the recommendations of this committee a consolidated Act, namely, the Maharashtra Municipalities Act, 1965, was passed and it is this Act which now governs all the municipalities in the State. Under the present Act the municipal councils are divided into three categories :

- (i) Class 'A'—having more than 50,000 population
- (ii) Class 'B'—having population between 20,000 and 50,000
- (iii) Class 'C'—having population of 20,000 or less.

There are hill station municipal councils also which are included in Class 'C'. At present, there are 219 municipal councils and 4 corporations in Maharashtra. Although, there is a provision in the municipal Act for the constitution of a cadre of chief officers and common cadres of other officers, such cadres have not yet been formed. At the Secretariat level the Department that looks after municipal administration is the Urban Development, Public Health and Housing Department and the Directorate of Municipal Administration falls under it.

Of the six States under study, Punjab has the oldest municipal Act, namely, the Punjab Municipal Act of 1911 which has been amended from time to time. There are 100 municipal bodies in Punjab which are graded into three classes. Generally, bigger municipalities with an income exceeding Rs. 1 lakh are

graded as class I municipalities. The small town committees which were previously governed by the Punjab Small Towns Act, 1921, have since been converted into class III municipalities under the Punjab Municipal (Second Amendment) Act of 1954. The municipalities falling between Class I and Class III are graded as Class II. There has been a feeling in Punjab that the present Act is rather outmoded. With a view to studying the problems of urban local bodies in the State and suggesting legislative and administrative measures needed to solve them, the Local Government (Urban) Enquiry Committee was set up, which submitted its report in 1957. Although the Committee made some important recommendations about the administration of urban local bodies in the State, these are yet to be implemented by the State Government. There is no unified or integrated cadre in Punjab, but, under the Punjab Municipal (Executive Officers) Act, 1931, the State Government can direct a municipality to appoint an Executive Officer. If the municipality fails to appoint such officer within three months of the direction by the State Government, the latter reserves the right to make an appointment. At the Secretariat level it is the Local Self-Government Department which is in charge of municipal administration. The Directorate of Urban Local Bodies falls under this Secretariat Department.

The last State in this series is Rajasthan which was formed by the merger of a number of princely States. Again in 1956, at the time of the States' reorganisation, the whole State of Ajmer and some parts of Bombay and Madhya Pradesh were also merged in Rajasthan. Consequently, a number of municipal boards such as Ajmer, Beawar, Pushkar, Kekri, Deoli, Mount Abu, Abu Road and Sunel Tappa came under the control of the State of Rajasthan. Initially, the various municipalities of the erstwhile States were functioning under the different municipal Acts obtaining in the respective States. In December 1951 a uniform municipal law, namely, the Rajasthan Town Municipalities Act was passed which brought within its purview all the town municipalities in Rajasthan. The five city municipalities of Ajmer, Jodhpur, Udaipur, Alwar and Bikaner continued to be governed by the respective municipal Acts inherited from the princely States. A consolidated Act to bring all the municipal bodies under a single legislation was passed in 1959

It is this Rajasthan Municipalities Act, 1959, which governs all the municipalities (181) in the State today. In Rajasthan, cities with a population of 50,000 and above are called city councils and towns with a population ranging between 8,000 and 50,000 are called town municipal boards.

A unified municipal service known as the Rajasthan Municipal Service has been constituted to include commissioners, executive officers and secretaries on the administrative side and revenue officers, health officers, engineers, junior engineers, and fire-fighting officers on the technical side. Recruitment to this Service is to be made in consultation with the State Public Service Commission, which is also to be consulted in disciplinary matters affecting members of the Service. Again, a Rajasthan Municipal Subordinate and Ministerial Service has been constituted for all the subordinate posts in the municipalities. Thus, Rajasthan has sought to regularise almost all the municipal posts by creating these cadres. At the Secretariat level the Local Self-Government Department looks after municipal administration and the Directorate of Local Bodies falls under this Department.

A brief outline of the financial structure of municipalities in the six States would show the principal sources of their revenue. In all the States tax revenue accounts for more than 50 per cent of the total ordinary income of the municipalities. The municipalities in the four States of Gujarat, Maharashtra, Punjab and Rajasthan get most of their tax income from octroi. In the two remaining States of Andhra Pradesh and Kerala, where octroi is not levied by the municipalities, the principal source of tax income is the property tax. Other minor taxes generally levied by the municipalities are the profession tax, and tax on carriages and animals. The Kerala and Maharashtra municipal Acts also provide for a show tax and an advertisement tax. Entertainment tax is an important source, next to property tax, in Kerala and Andhra Pradesh. The State Government collects entertainment tax in Andhra and allots 90 per cent of the receipts to the municipalities as grants-in-aid. Systematic general purpose grants on *per capita* basis have been instituted in three of the six States, *viz.*, Gujarat, Kerala and Rajasthan. The State Governments have powers to approve and modify municipal budgets in Andhra Pradesh and Rajasthan. In Kerala, the Director of Municipalities has powers to modify the budget

estimates and in Maharashtra the Director sanctions the budgets of only the indebted municipal councils. The Director and the Deputy Commissioners in Punjab are authorised to approve municipal budgets and reappropriation from one 'head' to another. Only in Gujarat the municipalities are free to frame and adopt their own budgets. For their loan funds, the municipalities in all the States are dependent on the respective State Governments. All the State Governments have emergency and extraordinary powers over the municipal bodies which include default powers, powers to annul municipal proceedings and to supersede municipal councils.

Before concluding this chapter some general observations may be made about municipal government in the six States. Five of the six States under study have enacted new legislations to introduce uniformity in municipal law. Only Punjab is still continuing with the old Act of 1911, although a new legislation is under the active consideration of the State Government. So far as the new municipal laws are concerned, it may be worthwhile to undertake a comparative study of the new laws and the old ones to find out if the former are significantly different from the latter.

The number of municipal bodies differs widely from State to State (*see* Table 2 in Ch. IV). Thus, at one end Maharashtra has more than two hundred municipalities, while Kerala at the other end has even less than thirty municipalities. Rajasthan and Punjab (including four notified area committees) have more than one hundred municipal bodies, and Andhra and Gujarat have eighty-one and fifty-two respectively. Obviously, the tasks relating to supervision and control of a large number of municipalities in such States as Maharashtra, Rajasthan, Punjab and Andhra Pradesh would be heavier than in Kerala and Gujarat. The stage of development of municipal bodies is an important determinant of the State's responsibility towards them. In general small, inefficient and undeveloped municipal bodies call for more of State supervision and control, and in most States the number of such units is considerable.

From the standpoint of State-municipal relations, the municipal Acts of Punjab and Gujarat may be considered as polar opposites. Formally speaking, the Punjab Act is far too restrictive in character and leaves little room for municipal

discretion. The Gujarat Act, on the other hand, is by far the best respecter of municipal autonomy and allows the municipal bodies considerable freedom in their operations. The Maharashtra Act comes close to the Gujarat Act and the Rajasthan Act does not seem to be very far from the law in Punjab. The Acts of Andhra and Kerala follow a similar pattern and both stand midway between the Acts of Punjab and Gujarat. As already mentioned, five of the six States under study have framed new municipal legislations; but the time-worn draconian provisions such as those relating to the removal of elected members, default powers and supersession of municipal bodies have been retained intact in the new Acts.

III

DIRECTORATES : MAIN OBJECTIVES

At the State-level administration in India, the Directorate is quite a familiar agency of Government. In most States the Departments in charge of industry, forests, education, etc., have their directorates, and the distinction between the Secretariat and the Directorate is quite well-known. The Secretariat is commonly regarded as the policy framing organ, and the Directorate is supposed to execute the policies. So far as local government administration is concerned, the usual pattern in all the States has been to have a department of local self-government exclusively, or to create a combined department having health, housing, local government and allied functions lumped together. The emergence of panchayati raj following the recommendations of the Balvantrai Mehta Committee led in most States to the bifurcation of local government administration at the State level and separate departments emerged to look after rural and urban local bodies. Also, the overwhelming importance that came to be suddenly attached to rural local government had given birth to the Directorate of Panchayat Administration in many States. Comparatively speaking, the idea of a Directorate of Municipal Administration is of recent origin.

At the moment, full-fledged Directorates of Municipal Administration exist only in six States, viz., Andhra Pradesh, Gujarat, Kerala, Maharashtra, Punjab and Rajasthan. Bihar has a Director of Local Bodies whose function is mainly inspectorial; and Uttar Pradesh has recently appointed a Director, but his powers and duties are yet to be defined and an organisation is still to come into being. As Table 1 shows, Rajasthan has the oldest Directorate dating back to 1951 when the Inspectorate of District Boards and Municipalities was converted into the Directorate of Local Bodies. In the remaining five States,

the Directorates were constituted between 1961 and 1966.

TABLE 1
DIRECTORATES: YEAR OF CONSTITUTION

<i>State</i>	<i>Year</i>
1. Andhra Pradesh	1961
2. Gujarat	1965
3. Kerala	1962
4. Maharashtra	1965
5. Punjab	1966
6. Rajasthan	1951

Main Objectives

The case for a Directorate has usually been made out on the ground that a separate agency equipped with necessary field staff is needed to exercise control and supervision over the urban local bodies, help and guide them in their activities, and undertake inspections in order that their performance could be bettered. As the Punjab Local Government (Urban) Enquiry Committee observed, "the Directorate should function more as an agency for assisting and guiding the affairs of the Local Bodies."¹

The Committee of Ministers set up by the Central Council of Local Self-Government recommended the setting up of Directorates²; and the Central Council itself in its meeting held in February 1965, urged the State Governments to establish the Directorates to keep watch on the implementation of the resolutions of the Central Council and the Conferences of Municipal Corporations and to ensure execution of the local government schemes. The Executive Committee of the Central Council endorsed the recommendation and suggested the formation of planning cells to help and guide the urban local bodies in the

¹ *Report of the Local Government (Urban) Enquiry Committee*, 1957, Government of Punjab, Chandigarh, 1960, p. 18.

² *Augmentation of Financial Resources of Urban Local Bodies*, Report of the Committee of Ministers constituted by the Central Council of Local Self-Government, 1963, p. 44.

preparation of five-year development plans. The latest recommendation has been made by the Rural-Urban Relationship Committee which was constituted in 1963 by the Union Ministry of Health in pursuance of a resolution of the Central Council of Local Self-Government. The Committee was of the opinion that "a well-organised Directorate at the State level with effective regional inspecting staff should go a long way towards improving the system of direction, supervision and control of local bodies. It should guide and advise local authorities in the solution of their current and future problems and advocate their cause with the relevant departments"³. The Committee discussed in some details the organisation and functions of the Directorate and its relationship with other technical departments⁴.

Other arguments⁵ often made in favour of a Directorate are :

- (i) the Secretariat is overburdened with workload much of which could be processed and dealt with at the Directorate level ensuring thereby speedy disposal of cases;
- (ii) control, supervision, guidance and inspection cannot be left with the busy collectors and sub-divisional officers, whose hands are already full with various duties relating to revenue, general administration and law and order, and what is needed instead is a Directorate serving as an exclusive agency of the Secretariat.

The Directorates that have actually been set up in the six States of Andhra Pradesh, Gujarat, Kerala, Maharashtra, Punjab and Rajasthan, came into being for a variety of reasons. In Andhra Pradesh, initially there was a Directorate of Local Administration concerned with both urban and rural local bodies. With the introduction of panchayati raj in Andhra Pradesh, a separate department was set up in 1961 to deal with panchayati raj institutions. This coincided, as a natural corollary, with the establishment of a separate Directorate of Municipal Administration. In Gujarat, control and supervision of municipal administration rested with the erstwhile Divisional Commissioners. With the abolition of the posts of Divisional

³ *Report of the Rural-Urban Relationship Committee*, Vol. I, Ministry of Health and Family Planning, Government of India, 1966, p. 120.

⁴ See Appendix A for detailed recommendations on the organisation and functions of the Directorate.

⁵ See, for instance, the Punjab Local Government Memo. No. 3285-CIII-66/1775, dated 27th April, 1966.

Commissioners, these powers were given to the State Development Commissioner who was concerned with both rural and urban local government. By an amendment in 1965, the word "Development Commissioner" in the Gujarat Act was substituted by "Director", and the Director of Municipal Administration was given the powers of the Development Commissioner in respect of municipal bodies. The Gujarat Report of the Municipal Rationalisation Committee which preceded the enactment of the Gujarat Municipalities Act, 1963, discussed in great details various aspects of municipal government and administration. The Report devotes two chapters on "Government Control" and "Provision for Guidance". But, there is no reference to the Directorate anywhere in the Report; nor did the Gujarat Municipalities Act that followed the publication of the Report, contain any original provision for this kind of State agency. Presumably, the Directorate in Gujarat established in 1965 was an afterthought.

From 1955 onwards, in the former Travancore-Cochin State and after the States reorganisation in Kerala, there was a Department of Local Bodies corresponding to the Inspectorate of Local Bodies in Madras. The Department in Kerala was responsible for the control and supervision of both urban and rural local bodies. With the passage of the Kerala Panchayats Act, 1960, panchayati raj struck roots in Kerala, and in January 1962 the Department of Local Bodies was bifurcated into the Department of Municipalities and the Department of Panchayats.

The story of Maharashtra is somewhat different. Prior to the enactment of the Maharashtra Municipalities Act, 1965, the municipal councils in the three areas of the State, viz., Vidarbha, Marathwada and Western Maharashtra were governed by four different municipal Acts. With a view to bringing in uniformity in all parts of the State, a consolidated Act, the Maharashtra Municipalities Act, 1965, was framed in supersession of all the four earlier municipal laws. The consolidation was made on the recommendation of the Committee for Unification of the Acts relating to Municipalities in Maharashtra State. In its report, the Committee recommended *inter alia* that a Director of Municipal Administration should be appointed who "would go round the municipalities to find out their difficulties

and to suggest ways and means to overcome them".⁶ In para 19 of the statement of objects and reasons appended to the Maharashtra Municipalities Bill, 1965, the reasons for setting up the Directorate were given as follows :

"Under the present set-up there is no full-time officer to attend to municipal matters. It is considered that the appointment of a full-time officer will lead to a common approach to problems in municipal administration in all the areas of the State and in consequence improve municipal administration in general."

In Punjab, the setting up of a Directorate was strongly recommended by the Local Government (Urban) Enquiry Committee, 1957. Later, consolidated instructions were issued regarding the structure and operation of the Directorate of Local Government under Punjab Local Government Department Memo. No. 3285-CIII-66/1775 dated April 27, 1966. Dissatisfaction with the existing system of governmental supervision and guidance of urban local bodies, demand for a Directorate by the urban local bodies themselves, relieving the congestion at the Secretariat level, need for a field organisation on the pattern of the Directorates of other departments, and latest thinking throughout India on the subject of the Directorate—these were stated as the main reasons prompting the Government of Punjab to establish in 1966 a Directorate of Urban Local Bodies.

In Rajasthan, the five city municipalities of Jaipur, Jodhpur, Udaipur, Alwar and Bikaner were governed by the respective municipal Acts framed in the days of the erstwhile princely States. To bring all other towns under one municipal law, the Rajasthan Town Municipalities Act was passed in 1951. The latest enactment is the Rajasthan Municipalities Act, 1959, which superseded all other municipal Acts in the State and brought both the city and the town municipalities under a uniform law. The Directorate of Local Bodies in Rajasthan precedes this uniform law. After the formation of the Rajasthan State, an integrated department under a Chief Inspector of District Boards (now defunct) and Municipalities was established in February 1950, to supervise and control the working of the

⁶ *Report of the Committee for Unification of Acts Relating to Municipalities in Maharashtra State*, Government of Maharashtra, Bombay, 1964, p. 33.

district boards and municipalities. In April 1951, the Inspectorate was converted into a Directorate under the charge of a Director of Local Bodies mainly concerned with the supervision and control of urban local bodies.

From this description of the circumstances under which the Directorates had come into being in the different States, it appears that although each State had its own reasons for setting up the Directorate, the introduction of panchayati raj coupled with the trend toward organising a separate administrative machinery for it, and the need for reorganisation of the system of State control, supervision and guidance of urban local bodies largely account for the emergence of the Directorate of municipal administration in the six States under study.

With the formation of State-wide cadres for municipal services in Andhra Pradesh, Kerala and Rajasthan, the Directorates in these States have assumed the role of central controlling authorities in respect of different categories of municipal posts. Provision for constituting similar cadres exists in the Maharashtra Municipalities Act also⁷. In Punjab, following the recommendations of the Local Government (Urban) Enquiry Committee (1957) the Punjab Municipal Bill, 1963, was drafted incorporating provisions for State-wide cadres of municipal services. The Bill, however, could not become law and subsequent political developments in Punjab have stood in the way of renewed efforts in this regard. It is implied in the current trend toward the formation of municipal cadres that a centralised agency at the State level would take over municipal personnel administration. As a recent committee report explicitly suggested, "Once such a municipal cadre has been established, it follows logically that there should be a Directorate of Municipalities at the State level to exercise adequate supervision over the work of Municipal Chief Executive Officers and to give them necessary guidance."⁸

Apart from control over municipal personnel, the State Governments possess considerable regulatory and supervisory powers over the municipal bodies. Municipal actions need prior State approval in many cases, and the State Governments have powers of review and rescission of municipal decisions. The municipal Acts provide for delegation of powers to

⁷ See Sec. 75(5) of the Maharashtra Municipalities Act, 1965.

⁸ *Augmentation of Financial Resources of Urban Local Bodies*, op. cit., p. 44.

prescribed authorities, and in the six States under study the State Governments have delegated wide powers to their Directorates. Thus delegation of powers has greatly facilitated the constitution of Directorates of Municipal Administration. The conferment of extensive controlling powers has, however, led to a contradiction in the scheme of organisation of the Directorates. A machinery for tendering *advice and guidance* has been clothed with powers of *control and regulation*, but these two functions go ill together.

IV

LEGAL STATUS AND ORGANISATION

Not all the Directorates of Municipal Administration that have been set up so far owe their existence directly to the municipal statutes. There is specific mention of the Director as a statutory authority in the municipal Acts of Andhra Pradesh and Maharashtra. Section 63 of the Andhra Pradesh Municipalities Act, 1965, provides for the Director of Municipal Administration, Deputy Directors, Regional Directors and other Officers "for the purpose of inspecting or superintending the operations of all or any of the Councils established under this Act." Similarly Section 74 of the Maharashtra Municipalities Act, 1965, provides for the Director of Municipal Administration and Regional Directors. No other municipal Acts contain similar provisions. The only difference between the Andhra and the Maharashtra Acts is that the appointment of the Director is optional under the former, whereas it is obligatory under the latter. Originally, the Gujarat Municipalities Act, 1963, did not contain any reference to the 'Director'. By an amendment in 1965 (Sections 2 and 5 of Gujarat Act No. 6 of 1965), the post of "Director" was added in replacement of the "Development Commissioner". Section 3(13) of the Kerala Municipalities Act, 1960, mentions the post of "Director" who appears as the prescribed authority in several Sections of the Act such as Sections 41(1), 43, and others.

The Punjab Municipal Act, 1911, being an old Act, no statutory provision exists for the 'Director'. The original Act gave the powers of control and supervision mainly to the Divisional Commissioner and the Deputy Commissioner. Clause 4(a) of Section 3 of the Act was spacious enough to mean by the term 'Deputy Commissioner' "any person or persons at any time appointed by the State Government to perform in any district or districts the

functions of a Deputy Commissioner under this Act". This provision was used in 1966 to offer a legal foothold to the Directorate. Also, in delegating specific powers to the officers of the Directorate, the State Government has made use of the provisions of the Punjab Local Authorities Laws (Exercise of Powers) Act, 1953.

The Directorate in Rajasthan has no explicit reference in the substantive provisions of the Rajasthan Municipalities Act, 1959. This is all the more strange because the Directorate precedes the municipal legislation; at the time of framing the uniform law an explicit provision for it could have been made as it has been done in the enactments of Andhra Pradesh and Maharashtra. As a result, the Directorate's existence in law depends exclusively on a number of government notifications vesting specific powers in the Director under particular sections of the Rajasthan Municipalities Act, 1959. All the Directorates under study enjoy considerable powers by way of delegation by the State Governments, which is permissible under the respective municipal Acts.

Organisation of the Directorates

The organisation of Directorates differs from State to State. In scale, the organisations in Gujarat, Maharashtra and Kerala are, comparatively speaking, small. The Directorates in Andhra Pradesh and Punjab have their regional organisations also, which are not to be found in other States. In each State, the Directorate is headed by the Director who is assisted by a Deputy or Assistant Director or a Personal Assistant. But the status of the Director is not the same everywhere. For instance, in Andhra Pradesh, Gujarat, Maharashtra and Punjab, the Director belongs to the Indian Administrative Services; and in the first three States he is a senior officer with long years of experience in both field and Secretariat administration. The Directors of Gujarat and Punjab have even undergone specialised training in local and development administration and urban and regional planning, and had the opportunity to see the working of local bodies in some selected foreign countries. In Kerala and Rajasthan, the Directors are senior officers of the respective State Services with considerable experience in field administration. The Director of Kerala was

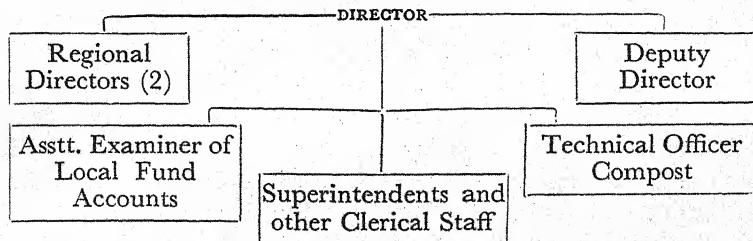
the Member-Secretary of the Joint Town Planning Committee for Greater Cochin Region before his appointment to the present post.

The patterns of organisation of the different Directorates are shown in the organisation chart below. It can be seen that the Andhra Pradesh Directorate has an elaborate organisation. The Director is assisted by a Deputy Director from the State Service belonging to the selection grade of the Department, in all matters except those relating to compost manufacture by the municipalities. Also, there are two Regional Directors posted in two regions—North and South, into which the State has been divided for this purpose. Each region consists of ten districts. An officer of the rank of District Agricultural Officer assists the Director in matters relating to the technical aspects of manufacture of compost and its disposal by the municipalities. The services of an Assistant Examiner of Local Fund Accounts have been placed at the disposal of the Directorate for framing rules under the new municipal Act, *viz.*, the Andhra Pradesh Municipalities Act, 1965. At the ministerial level, the usual pattern of dividing the office into sections with superintendents as section heads is in vogue. The Regional Director is the head of the office in each region, and he has a complement of ministerial staff with one superintendent to assist him.

The Gujarat Directorate consists of the Director and an Assistant Director belonging to the Deputy Collector's grade. There are two main sections into which the office work is divided, each with a *mamlatdar* as section head. One section looks after administrative problems and issues, and another is concerned with audit and accounts. There is also an inspection cell to help the Director and the Assistant Director in their inspection work.

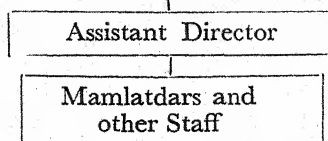
In Kerala, the Director is assisted by a Personal Assistant and a Financial Assistant. Unlike his counterparts in other States, the Director in Kerala does not have any senior officer of the State Service to help and assist him. Both his assistants belong to the junior grade. Thus the Kerala Directorate is virtually a one-man organisation in the sense that there is no deputy or assistant director to help him, nor are there any regional officers sharing some of his work. The Kerala Municipalities Act, however, provides for the post of Deputy Director under

**DIRECTORATE OF MUNICIPAL ADMINISTRATION:
ORGANISATION CHART, 1968
A. ANDHRA PRADESH**



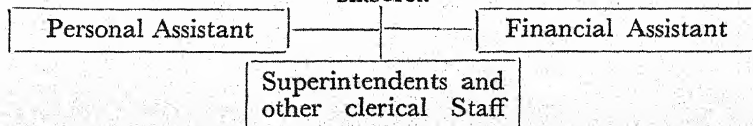
B. GUJARAT

DIRECTOR



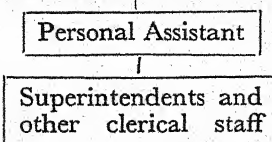
C. KERALA

DIRECTOR



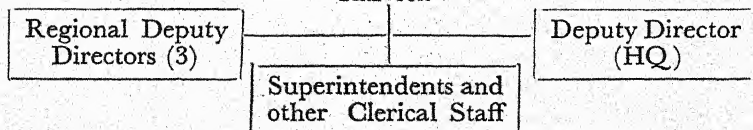
D. MAHARASHTRA

DIRECTOR



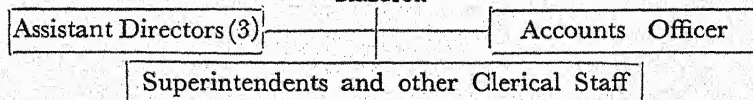
E. PUNJAB

DIRECTOR



F. RAJASTHAN

DIRECTOR



Section 3(12), but the Revenue Divisional Officers (Sub-Divisional Officers) have since been notified as Deputy Directors in their respective sub-divisions who work independently of the Director and are not subordinate to him. A special officer was appointed to prepare a municipal manual incorporating various rules, orders and instructions relating to municipal administration. This post continued till March 31, 1967. There is a ministerial wing on the usual pattern consisting of superintendents and other assistants. An inspection cell has been formed in the Directorate to facilitate inspection work by the Director.

In Maharashtra, the post of Director of Municipal Administration was created in September 1965. A separate office was set up with minimum staff only in December 1966, and gradually the staff has been increased to the present strength. No Regional Directors have been appointed so far although the Act provides for these posts (Section 74). The Director is assisted in his work by a Personal Assistant who was formerly a Deputy Collector and is presently responsible for the supervision and control of the Directorate staff and limited inspection work. All correspondence is put up to the Director through the Personal Assistant. Two superintendents and a Head Clerk, and a number of clerks and other assistants constitute the ministerial wing. To facilitate inspection work by the Director and his Personal Assistant, two units of inspection parties are formed, who visit the municipal councils in advance and keep draft inspection notes ready for the consideration of the Director or his Personal Assistant. The Head Clerk is entrusted with the work of preparing draft notes of inspection for the Director and with undertaking follow-up measures on the inspection notes.

Like its counterpart in Andhra Pradesh, the Directorate in Punjab has its offices both at headquarters and in the regions. At headquarters, the Director is assisted in his work by a Deputy Director. There are three Regional Offices at Jullundur, Ludhiana and Patiala respectively, each headed by a Regional Deputy Director belonging to the State Service. Both at headquarters and in the regions, there is the usual complement of ministerial staff and other assistants. Of the three places where Regional Offices have been located, Jullundur and Patiala are also Divisional Headquarters; the third place, *i.e.*, Ludhiana, is a District Headquarter and has been selected because of the

growing industrialisation and urbanisation in that region. The number of municipal committees in the charge of each Regional Office is more or less the same.

The oldest among the Directorates is the Rajasthan Directorate which was set up in 1951 by way of replacement of the erstwhile Inspectorate. Until August 1962, the Directorate was organised in much the same way as its counterparts in Andhra Pradesh and Punjab. Aside from the headquarters office, it had its own regional field machinery consisting of five Regional Inspectors. Under a scheme of economy measures, the Directorate was reorganised in August 1962, when the regional machinery was abolished altogether and the work relating to field supervision, control and inspection of municipalities was delegated to the collectors and the sub-divisional officers. At present, the Directorate consists of the Director, three Assistant Directors and an Accounts Officer. Two of the Assistant Directors belong to the Rajasthan Administrative Service, and the Accounts Officer is drawn from the Rajasthan Accounts Service. Besides, there is the ministerial wing with superintendents and a complement of clerical staff and other assistants. The senior-most Assistant Director looks after internal house-keeping of the Directorate and shares inspection work with the Director. The Accounts Officer is a touring and guiding officer in respect of clearance of audit objections, recovery of government loans, proper maintenance of accounts, and general financial matters.

What strikes an observer is the variety of patterns into which the Directorates have been organised in the six States. It ranges from the virtually one-man machinery in Kerala to the fairly elaborate organisation in Andhra Pradesh. The smallness of the Kerala Directorate can be attributable to the smallness and compactness of the State. Also, it has only 28 municipalities to look after. At the other end, the elaborate organisation of the Andhra Directorate cannot be said to be due to a large number of municipalities that the Directorate has to control, supervise and inspect. It would have been a convincing ground for the Maharashtra Directorate to expand further. Regional Offices have been set up only in two States, *viz.*, Andhra Pradesh and Punjab. But, Maharashtra and Rajasthan which have the largest number of municipalities to look after do not have any regional machinery of their own. In fact, the smallness and

TABLE 2
NUMBER OF MUNICIPALITIES IN SIX STATES, 1968

<i>State</i>	<i>Number of Municipalities</i>
Andhra Pradesh	81
Gujarat	52
Kerala	28
Maharashtra	219
Punjab	100
Rajasthan	141

compactness of the State which characterise Kerala are also the characteristics of the new State of Punjab which, however, has regional offices of the Directorate, unlike Kerala. Again, the re-organisation of the Rajasthan Directorate in 1962 is an important pointer to all the Directorates of Municipal Administration. The regional machinery of the Rajasthan Directorate was abolished not merely on the ground of economy; it was argued at that time that owing to the separation of executive and judicial functions, the collectors and the sub-divisional officers would have lighter workload, and the work of the regional machinery could be entrusted to them. This has actually been implemented in Rajasthan, thereby bidding goodbye to the regional organisation of the Directorate since August 1962.

The total costs of the six Directorates have been shown in Table 3. Due to the inclusion of the costs of the Fire Office, the Election Office and the regional offices of the Directorate, the cost figure of the Punjab Directorate is not comparable with the corresponding figures of the other State Directorates. The expenditure is more than 2 lakhs in the two States of Andhra Pradesh and Rajasthan. Presumably, due to their additional field offices, the Directorates of Andhra Pradesh and Punjab have to spend more; but the Rajasthan Directorate involves quite a heavy expenditure although it does not have any regional units. Kerala is a smaller State than Gujarat and has only 28 municipalities compared to 52 in Gujarat. But the Directorate in Kerala is spending more than its counterpart in Gujarat. On the other hand, the Maharashtra Directorate which has to look after as many as 219 municipalities seem to have an expenditure

TABLE 3
DIRECTORATES: TOTAL COSTS, 1967-68

<i>State</i>	<i>Costs (in Rs. 000)</i>
1. Andhra Pradesh	264
2. Gujarat	123
3. Kerala	125
4. Maharashtra	162
5. Punjab	2533
*6. Rajasthan	223
*Actuals for 1966-67.	

on the low side. It is admitted, however, that mere cost figures indicate nothing; these have to be related to the performance of the Directorates. Incidentally, the Punjab Directorate is unique in meeting part of its total cost from contributions by the urban local bodies, which practice is a legacy of the erstwhile Local Government Inspectorate which used to be financed partly by the local bodies.

Since the work of the Directorates is basically field-oriented, the principle of 'organisation by area' would normally hold good in their case. In other words, one would expect the field machinery of the Directorates stationed in different part of the States. It has earlier been pointed out that of the six Directorates under study only two have their independent field organisations. Except Kerala, all other States depend heavily on the district collectors for field-level operations of the Directorates, and in their case the collector constitutes an important part of the organisation of the Directorate. Even where the collector has not been used to undertake field operations for the Directorate, as is the case in Andhra Pradesh, Kerala and Punjab, he has a number of statutory powers of control and supervision over the municipalities. There is, thus, an element of competitiveness between the Directorate of Municipal Administration and the District Administration headed by the collector, which has to be reckoned with in any discussion on the organisation of Directorates. A separate chapter has, therefore, been devoted to the examination of their relationship and of the problems incidental to it¹.

¹ See Chapter VII.

POWERS AND FUNCTIONS

A universal feature of the municipal Acts in India is that the State Governments have retained in their hands considerable power and authority in respect of the working of the municipal bodies. We are not concerned here with the rationale of such powers. What is relevant to our discussion is that the Directorates of Municipal Administration have been the direct legatees of these State powers. In all the six States under study, the Directorates have been delegated many of the powers of their State Governments. Aside from delegation, the Directorates in Andhra Pradesh, Gujarat, Kerala and Maharashtra also have direct statutory powers. In general, municipal corporations are dealt with by the State Governments directly, the solitary exception being Andhra Pradesh where under a special Government Order the inspection of the Corporation of Hyderabad, which is the only municipal corporation in that State, has been entrusted to the Director of Municipal Administration. After the constitution of the Municipal Common Service in Kerala with effect from November, 1967, the Director of Municipal Administration of Kerala has recently been made the controlling authority for the Common Service which includes certain posts under the municipal corporations also.

The powers of Directorates in relation to different aspects of municipal administration have been shown in details in the Appendix, and the specific statutory references have also been quoted against each power. For comparative analysis, powers have been classified according to their relationship with specific aspects of municipal government and administration. Thus, there are four broad classifications in terms of organisation or constitution, personnel administration, financial administration and general administration. The last group has been further

subdivided into general and special powers to point out the special nature of emergency and default powers.

All the Directorates have powers with regard to the financial, administrative and personnel administration of the municipalities. But only the Directorates of Gujarat, Kerala, Maharashtra and Punjab have been authorised to deal with organisational or constitutional matters. Moreover, the Directorates of Gujarat and Punjab have less powers in this sphere as compared to their counterparts in Kerala and Maharashtra. In Punjab the power of the State Government to approve the election of municipal president, which is a unique provision by itself, has been delegated to the Director. In Kerala, the Director has been appointed as the Election Authority and empowered to divide the municipal area into electoral wards and fix the seats reserved for Scheduled Castes and women. The powers given to the Director of Maharashtra in this regard are not very much dissimilar. Although in Rajasthan the Directorate is not concerned with municipal organisation as such, the Director has been given the extraordinary power of removal of municipal members in specific cases.

With the solitary exception of the Gujarat Directorate, all other Directorates have substantial powers over municipal personnel administration. In Gujarat, the power is confined only to the approval, alteration or rescission of a rule determining the qualifications for the appointment of municipal staff other than the Chief Officer, the Health Officer and the Engineer. In Maharashtra, the Director has the important power to accord sanction to the creation of posts and to determine qualifications, and pay and allowances for posts with a minimum salary of Rs. 75 and above. The Punjab Director has been delegated the State Government's power of according approval to the appointment and remuneration of the Secretary. Under the Punjab Municipal Act, on the ground of negligence in the discharge of his duties, the State Government has the power to compel a municipality to punish any of its employees; the law even empowers the State Government to compel a municipality to dismiss an employee. These are very drastic powers which have since been delegated to the Director in Punjab.

Owing to the prevalence of separate personnel system in the three States mentioned above, the powers of the respective State

Governments and their Directorates in relation to municipal establishment are both qualitatively and quantitatively different from the remaining three States, *viz.*, Andhra Pradesh, Kerala and Rajasthan. In Andhra Pradesh, the Director has substantial powers of sanctioning most of the municipal posts and transferring employees from one municipality to another. He is the appointing and transferring authority for all the staff belonging to the Andhra Municipal Subordinate Service. It is the formation of State-wide cadres that has facilitated bestowal of controlling powers on the Director. This applies equally well to the Directorates of Kerala and Rajasthan. The constitution of the Kerala Municipal Common Service consisting of all the municipal posts the minimum pay of which is Rs. 80 and above, has facilitated concentration of controlling authority in the hands of the Director in Kerala. As shown in the Appendix, the Director of Local Bodies in Rajasthan, has been delegated limited powers of appointment of municipal staff. The appointment of assessors of all municipal boards is subject to his approval. Also, he is the transferring authority in respect of all municipal employees except those belonging to the Class IV Service, and he has the power to take disciplinary action against these employees. Except the Directors in Gujarat and Punjab, all the Directors enjoy appellate powers in some form or the other with regard to establishment appeals from the municipal staff.

For obvious reasons considerable importance is attached to municipal financial administration, and over this area the State Governments try to exercise the strictest control. The powers of Directorates over the financial administration of municipalities differ from State to State. If we could imagine a graded power scale with powers in an ascending order, the Gujarat Directorate will perhaps be at the bottom and the Directorates in Andhra Pradesh and Kerala at the top. The remaining three Directorates could be placed in between these two extremities some tilting toward the Gujarat point and some toward the Andhra-Kerala point. The Directorates of Rajasthan and Maharashtra would fall in the former category, and the Punjab Directorate in the latter. Apart from powers to fix rates of payment in rare instances and to prevent extravagance in establishment expenditure, which is no doubt a vital power, the Director in Gujarat has not been given any important authority encroaching upon

municipal discretion. This statement holds good in the case of the Maharashtra Director also who, however, has been empowered to sanction budget estimates of indebted municipalities. In view of the fact that the municipalities are more often than not indebted on account of loans for undertaking capital projects, the importance of this power can hardly be underrated¹. Aside from the power to sanction municipal contracts up to a certain value, the Director of Local Bodies in Rajasthan has not been delegated any important financial powers. In sharp contrast to these instances, the Directorates in Kerala, Andhra Pradesh and Punjab have been given considerable authority over municipal financial administration, which deeply entrenches on municipal discretion in financial matters. The municipal law in Kerala explicitly confers on the Director the power to direct municipal councils to modify municipal budget estimates. Under the provisions of the Punjab Municipal Account Code, the Director in Punjab has power to approve budget estimates, re-appropriation from one budget head to another and to regularise excess expenditure. A common feature of the Directorates in Kerala and Andhra Pradesh is the wide range of their sanctioning powers in respect of municipal financial matters. Illustrative of these powers is the case of Andhra Pradesh where the Director is the sanctioning authority for the payment of travelling allowances to chairmen and councillors and for the payment of fees to the standing counsels. His sanction is necessary to incur extraordinary expenditure, to pay grant-in-aid to any institution, to contribute toward expenditure incurred by government or any other local authority and to incur expenditure outside a municipality. In Kerala the Director has similar sanctioning authority over a wide range of municipal functions. For the purposes of distribution of State grants-in-aid to the municipalities, the Directors have been appointed as controlling officers under special government orders in Kerala, Gujarat, Rajasthan and Maharashtra. Under the recently introduced general purpose grants in Kerala, the quantum of grants to municipalities is determined on the basis of the report of the Director of Municipalities on the resource-raising effort and satisfactory performance of the municipalities.

¹ As of July 1968, out of a total of 219 municipal councils in Maharashtra as many as 165 were indebted councils.

Turning to general supervision over municipal administration, it springs to notice that all the Directorates under study have been given controlling powers over general administration and specific functional administration. But there is no uniformity in the bestowal of emergency and default powers. A universal feature of these municipal Acts is that the Directors have been invested with general inspectorial and superintending authority which includes powers to inspect municipal property and work and to call for records and extracts of municipal proceedings. Also, the Directors have been given limited control over specific functional administration. The powers to accord sanction for leasing out the right of removing municipal refuse (Andhra Pradesh) and for renewal of leases of immovable property (Maharashtra), to authorise municipalities to extend services beyond its limits (Andhra Pradesh, Gujarat and Kerala) and to require a municipality to draw up a building scheme for "built areas" and a town planning scheme for "unbuilt areas" (Punjab) are some of the instances of this type of control.

Not all the Directorates under study have been invested with emergency and default powers. Of the six Directorates, those in Gujarat and Kerala have not been given any authority in these respects; the State Governments have retained these powers in their own hands. But the Directorates of Andhra Pradesh, Punjab, Rajasthan and Maharashtra have been given limited authority in this sphere. Thus, in the first three States, the Directors have been empowered to suspend municipal resolutions, order or act in certain instances. In Maharashtra, this power has been given to the collectors; but the Director has been authorised to rescind, revise or modify the orders of the collectors in this regard. To cite a specific case, in July, 1968, the Thana Municipal Council filed a revision application with the Director of Municipal Administration, Maharashtra, against the order of the District Collector keeping in abeyance the implementation of the tenders sanctioned by the Council for fishing rights in the sweet water tanks of the town. Only, the Director in Maharashtra has been empowered to enforce performance of duties in case of default by a municipality; in all other States except Punjab this power has been reserved by the State Governments for their own exercise. In Punjab, it is exercisable by the Deputy Commissioner.

Powers of Regional Officers

It has earlier been pointed out that Andhra Pradesh and Punjab have set up regional offices of the Directorates. In Andhra Pradesh, the Regional Directors are purely inspecting officers without any major statutory responsibilities. In general, they have jurisdiction over the first, second and third grade municipalities. But, they do exercise some delegated powers. For instance they sanction travelling allowances claimed by the staff in the municipalities up to and inclusive of first grade. In respect of casual vacancies in these municipalities, they act as election authorities. Also, they have very limited appellate functions in exceptional cases. In Punjab, the Regional Deputy Directors exercise more powers as they have been invested with the authority of the Deputy Commissioner, barring a few powers under specific sections of the Punjab Municipal Act. Generally speaking, these Regional Deputy Directors have jurisdiction over the second and third class municipalities.

The above account of the powers of Directorates reveals their formal roles as conceived in the six States. The statutory provisions from which they derive their authority, either directly or by way of delegation, seek to confer on them sanctioning, regulatory and supervisory powers. Even the inspecting power which could statutorily be given a positive content has invariably been placed under 'control' power in all the municipal Acts. Thus, at least formally speaking, *control over municipal administration* seems to be the dominant theme of the organisation of the Directorate. No doubt the degree of control differs from State to State. For instance, the Gujarat Directorate has less controlling powers than the other Directorates. Nevertheless the formal role of all the Directorates is that of a controlling authority. Another important point that emerges out of the analysis of the Directorates' powers is that there seems to be no clear idea as to what powers should be given to the Directorates and what should be reserved for the State Governments to exercise. Powers to suspend a municipal resolution, order or act, to enforce performance of duties in the event of default by municipality, and even to approve and confirm municipal bye-laws have been given to the Directorates in certain States, while in others these powers are the exclusive preserve of the State Governments. The Directorate is an agency of the State Government, and is not the State

Government itself; in any scheme of delegation of powers, the roles of the two need to be carefully differentiated. Also, the image of the Directorate before the municipalities that it is their friend, philosopher and guide and will advocate their interests with the State Government is apt to suffer in practice if the formal role of the Directorate is envisaged as a controlling authority with powers to regulate and restrict their activities and to bring them to book if things go awry.

VI

SECRETARIAT-DIRECTORATE RELATIONS

The Directorate of Municipal Administration is essentially an executive agency of the State Government, and as such it acts as a bridge between the municipalities at one end and the State Government at the other. At the State level it has important relationships with the Secretariat department in charge of municipal administration and with a number of technical departments dealing with specific functions such as public works, health, education, water supply and sanitation, housing and town planning. Since the municipalities are invariably situated within a revenue district, district administration headed by the Collector has general supervisory jurisdiction over them. In this respect, the Directorate seems to be a specialist agency in an area of administration for which district administration has only general concern. For an evaluation of the working of the Directorate, it is therefore necessary to identify the role of district administration in relation to municipal administration. Thus, the Directorate needs to be studied in relation to both Secretariat department at the State level and district administration at the field level¹. In this chapter we will be concerned only with the problems relating to Secretariat-Directorate relationships.

Secretariat and Directorate

At the Secretariat level, all the six States under study have each a department (or ministry) with a minister as head and a secretary subordinate to him to deal with municipal government and administration. The secretary is assisted by deputy and

¹ See Chapter VII for a discussion on Directorate-District Administration relationships.

assistant secretaries. Punjab and Rajasthan have each an exclusive department in charge of the municipal bodies; but in the remaining four States a combined department has municipal administration as one of its many charges. In Andhra Pradesh the combined department is the Department of Health, Housing and Municipal Administration. Maharashtra has almost a similar combination in the Department of Urban Development, Public Health and Housing. In Gujarat, the Panchayats and Health Department looks after municipal administration without explicitly indicating it in its title, and in Kerala it is the Development Department which has municipal administration as one of its responsibilities. The Directorate of Municipal Administration functions in each State under the Secretariat department as its executive arm. The Andhra Pradesh Directorate explained clearly the distinction between the Secretariat and the Directorate in the following words :

“The Secretariat is mainly intended for the formulation of administrative policy in conformity with the various enactments, and if the execution of policies is also undertaken at the Secretariat level, it will overburden the Secretariat. The implementation of policies at the field level should be entrusted to a separate head of department who will get things done exercising the general functions of direction, supervision and control. A separate Directorate is therefore essential.” We are aware that this statement raises the basic question regarding the *raison d’être* for the separation of the Secretariat and the Directorate at the State level administration. But, we do not propose to digress into this indecisive debate². So far as the Directorates of Municipal Administration are concerned we have discussed elsewhere the main reasons for their establishment³. In practice, only the two Directorates in Andhra Pradesh and Kerala enjoy the purity of separation, as in both the States the Directors are full-time heads of their departments (Directorates) without being encumbered by the responsibilities of any other office. In the remaining four States, the Directors, in addition to their being heads of the respective Directorates,

² This subject has been discussed in some details in M. R. Pai and G. R. Reddy, *Secretariat and Heads of Departments*, The Indian Institute of Public Administration (Andhra Pradesh Regional Branch), Hyderabad, 1964.

³ See Chapter III.

have each been made *ex-officio* Deputy Secretary to the Government. To maintain the distinction between the two posts, in both Gujarat and Maharashtra the same Officer sits alternately in two different offices, *viz.*, the Office of the Director of Municipal Administration and the Secretariat Department. In Punjab and Rajasthan, there is no such physical separation of the offices which, in effect, blurs the distinction between the Directorate and the Secretariat. Under the integrated system in Rajasthan, the Director and the Senior Assistant Director have been made *ex-officio* Deputy Secretary and Assistant Secretary, respectively. In the absence of its regional field offices, the Rajasthan Directorate is bereft of any centrifugal forces that could help it maintain a separate identity to some extent. As it stands today, apart from its physical separation from the main Secretariat complex, it is functionally and spiritually indistinguishable from the Secretariat Department of Local Self-Government.

In theory, at least, wherever the Directorate is headed by a full-time Director who has no other Secretariat responsibilities, the orthodox principle of separation of questions of policy from actual details of administration is adhered to. It has been argued that the Director, in such situation, can devote his entire time and energy to field-level problems, keep in close touch with the municipalities, and undertake more and more field inspections. Contrarily, the integrated model with the Director holding concurrently the post of Deputy Secretary, has been supported in the four States on the ground that the separation of the Secretariat and the Directorate into water-tight compartments is inconvenient in practice. When the Director is also the *ex-officio* Deputy Secretary, it has been pointed out, the arrangement greatly facilitates the work of the Directorate through quick authentication of government orders, ready access to the Minister, speedy movement of files and, in general, easy communication between the Secretariat and the Directorate. All the four States have observed that this arrangement is also economical. It may be noted that the Punjab Directorate initially started on the orthodox model of a separate Directorate. To facilitate expeditious disposal of cases the single-file system was introduced and only in exceptional cases the Secretariat Branch dealing with such cases used to open shadow files for their detailed examination. This experiment lasted for a very short period

States with uni-functional Secretariat departments have the common feature of endowing the Director with the status of Deputy Secretary. Since the Secretariat departments, in this last case, have only one charge, *viz.*, local self-government, there is perhaps a built-in bias toward the integrated Directorate. In such situation, an exclusive Directorate is expected to be anathema to the uni-functional Secretariat department. By contrast, those Secretariat departments that are charged with a number of responsibilities, of which local self-government is just one, would ordinarily like to have an exclusive Directorate with a full-time Director to ensure undivided attention to municipal problems. This arrangement, however, has not found favour with two States, *viz.*, Gujarat and Maharashtra. Additional Secretariat responsibilities of the Director are apt to stand in the way of his important field responsibilities. It was felt by the Gujarat Director that while acting in a dual capacity he could not undertake as many field visits to the municipalities as he should ordinarily have done.

Directorates and Functional Departments

The Directorates of municipal administration tagged to Secretariat departments are not technical wings like the Directorates of public health engineering or those of medical and health services, and forests and fisheries. The role of the former is essentially supervisory, inspectorial and advisory. It has been pointed out that the municipalities are often to depend on State technical departments dealing with water supply and sanitation, health and medical services, roads and other public works, for the preparation, scrutiny and technical sanction of their schemes and, in some cases, even for the execution of schemes. Wherever education is a municipal function, State education departments exercise supervision and control over the municipalities directly through issuing grants, prescribing syllabi, undertaking inspections and laying down standards. Thus, from the standpoint of functional administration, the municipalities are to look to State technical departments, whereas the Directorates of municipal administration, in spite of the best of intentions and efforts, remain mere generalist agencies, at the most specialising in tendering advice, in inspection and supervision. This is a real

dilemma confronting all the Directorates of municipal administration. However, a Directorate falling under a multi-functional Secretariat department is no doubt more favourably placed than one which is attached to a uni-functional Secretariat department.

Since the municipality is a multi-purpose body, a multi-functional Secretariat department overseeing all the functions that a municipality is authorised to undertake, would perhaps be ideal from the standpoint of State-municipal relations. This is, however, not a practicable proposition, as there is a limit to the range of functions that can be placed under a single department without rendering it all too unwieldy. Also, excessive concentration goes against the principle of administrative specialisation.

As the Directorates are organised now, none of these, except the Directorate in Andhra Pradesh to some extent, has the competence to assist and advise the municipalities in technical matters. The Andhra Pradesh Directorate is the only instance where a technical officer of the rank of District Agricultural Officer has been appointed to help the municipalities in technical matters relating to the manufacture and disposal of compost. In their relations with the State technical departments, the general practice is that the municipalities submit their technical schemes and plans through the Directorate which examines them from the administrative and financial points of view. Informal meetings are also arranged by the technical departments, where the Director puts forward the problems of municipalities. The Director in each State acts as a liaison between the technical departments and the municipalities. Quite often, the municipalities would request the Director to take up their cases with concerned State departments so that expeditious action follows. In the matter of specific municipal appointments, the Directors in some States have to work in close collaboration with the State functional departments. For instance, in Andhra Pradesh the municipalities are to submit proposals for the sanctioning of their engineering staff to the Chief Engineer, Public Health, through the Director of Municipal Administration. The latter examines the proposals from the financial point of view and then forwards them to the Chief Engineer for according sanction to the posts. In Maharashtra, so far as municipal primary education staff is concerned, the posts are created by the Director of Municipal Administration in consultation with the Director of Education,

Again, in Rajasthan the appointment of municipal food inspectors is made by the Medical and Health Department on the recommendation of the Director of Local Bodies.

In spite of such limited collaborative arrangements, the Directorates of municipal administration, as these are constituted now, are unable to render assistance and advice to the municipalities in purely technical matters. To remove this difficulty, it has been suggested that formation of an engineering cell and a town planning cell could be thought of within the Directorate. A substantial portion of municipal fund is spent on public works including roads and buildings, and quite often municipal schemes are held up because of delay in technical sanctions from the concerned State functional department, which results in increased cost estimates of such schemes. The State functional departments take centage charges from the municipalities for investigation work, and preparation and implementation of schemes relating to public works and public health; even charging less than what the municipalities are used to pay now to the technical departments, the cost of an engineering cell in the Directorate can be recovered. As the Directorate is constantly in touch with the municipalities, a town planning cell in the Directorate, it has been argued, is necessary to assist the municipalities in the preparation and implementation of their town planning schemes. It is being seriously considered in Andhra Pradesh to place exclusively at the disposal of the Director of Municipal Administration at least three technical officers, *viz.*, Assistant Director of Town Planning, Executive Engineer of Public Health, and Assistant Director of Health Services. Incidentally, in Gujarat the Director acting in the capacity of Deputy Secretary is in charge of town planning also, and in Punjab the Director is concurrently the head of the State Town Planning Directorate and the Fire Services.

It may be mentioned in this connection that the Rural-Urban Relationship Committee has recommended that, apart from an inspectorate at the field level, a Directorate should have four sections on personnel, central valuation, planning and finance, and general direction and supervision. The Committee did not envisage formation of technical cells within the Directorate, but recommended that the State departments in charge of town planning and public health engineering should function

in close cooperation with the Directorate of Municipal Administration⁴. The first two sections on personnel and central valuation follow as a natural corollary from the Committee's recommendations about the formation of municipal cadres⁵ to be controlled centrally by the Directorate and a central valuation agency for the purpose of assessment of annual value of buildings and lands within the municipal areas⁶. To guide and assist the municipalities in the preparation of their five-year plans will be the main work of the proposed planning and finance cell. The fourth section would be concerned with general direction and supervision over the municipalities.

As discussed earlier, the six Directorates under study have been organised to function as supervisory and inspectorial agencies. In Andhra Pradesh alone the Directorate is partly involved in technical consultancy work; and with the formation of municipal cadres in Andhra Pradesh, Kerala and Rajasthan, the Directorates in these States have been functioning as central controlling authorities in respect of municipal personnel administration. No doubt the municipalities are badly in need of technical support and services, but there are certain difficulties in establishing technical cells within the Directorates of municipal administration for this purpose. In the first place, the municipalities are multi-functional bodies, and a Directorate cannot have all the technical wings attached to it corresponding to the functions undertaken by the municipalities. In the second place, the different functional State Directorates on public health engineering, medical and health services, education and so on are specialised agencies, and there is no point in duplicating their functions by setting up technical wings within the Directorate of Municipal Administration. The remedy lies not in creating costly technical wings in this Directorate but in achieving purposeful coordination among the different State functional Directorates so that their resources could be pulled together and pressed to the overall development of the municipalities. Co-ordinated assistance to the municipal bodies cannot be secured through the mediation of a Directorate of Municipal Administration which is just an agency of the Secretariat. What is needed

⁴ Report, *op. cit.*, pp. 120-121.

⁵ *Ibid.*, pp. 76-80.

⁶ *Ibid.*, p. 98.

instead is a well-organised Secretariat department in charge of municipal administration which will periodically assess the needs of municipal bodies and communicate with sister Secretariat departments dealing with specific functions such as health, public works, education and others in order that their services could be made available in a planned way to the municipalities. Aided by an intelligent inspectorate at the field level whose function would be advisory rather than inquisitorial, a Secretariat department of municipal administration would keep abreast of municipal problems and formulate imaginative, long-term policies to salvage municipal government from the morass of sloth and stagnation.

The distinction between policy formulation and policy execution in actual administration is largely a myth, and it is more so in the case of State control and supervision of municipal bodies. The local self-governing bodies are autonomous entities and the responsibility of the State Government toward them is of a general nature, the purpose being to maintain and promote the *system* of local self-government. Where the State Government directly undertakes the operative responsibility of a particular service such as construction, maintenance and development of State highways or hospitals, it is customary and perhaps convenient to entrust operative responsibility to a Directorate. So far as the working of municipal bodies is concerned, the State Government does not have such direct functional responsibility with regard to them; its role is supervisory, advisory and promotional. The essential task of the State is to assist and supervise the municipal bodies to make them more and more self-reliant, and not to arrogate to itself their powers and responsibilities. This is a function of the Secretariat presided over by the popular Minister. A scheme of Secretariat-Directorate segregation is not equal to this task, as it tends to artificially split up a responsibility which is essentially indivisible. The defect in contemporary State administration in relation to local self-governing bodies lies at the policy level and in the absence of a purposeful and continuous feed-back process between the field level machinery and the Secretariat. Local government inspection by the Collector, which is more statutory than real, is perfunctory and control-oriented. Where inspection is carried on through the machinery of an inspectorate, it is largely

inquisitorial or a routinised exercise. If inspection has to be used as a device for the promotion and development of local self-government, there must be a long-range State policy to that effect within which frame the inspectorate would carry on its work. Such a policy to be dynamic must consistently draw basic data and information from the field-level inspectorate. Thus, any projected reform in State administration in relation to municipal bodies should aim at strengthening of the Secretariat department in charge of municipal administration and creation of a well-staffed, purposeful inspectorate which would work as an adviser of municipal government as well as an aid to State Government.

VII

DIRECTORATES AND DISTRICT ADMINISTRATION

The crucial role of the District Collector (or Deputy Commissioner) as 'the principal functionary of the State Government in the district' has led to the familiar characterisation of the office as the "eyes and ears" of Government. In recent times, due to changed political climate and administrative innovations his role and responsibilities have undergone important changes.¹ But any attempt to create new machinery for field level administration has got to reckon with district administration² headed by the Collector. Since the Directorates of municipal administration have been set up to control, inspect and supervise the municipalities which fall within the revenue districts, their powers and responsibilities need to be cast alongside the powers of district administration over the municipal bodies. Incidentally, there will be no mention of the Divisional Commissioner in this discussion for the simple reason that out of the six States under study, four States, *viz.*, Andhra Pradesh, Kerala, Gujarat, and Rajasthan, do not have any Divisional Commissioner. Of the remaining two States, Maharashtra has transferred the erstwhile powers of the Divisional Commissioner in regard to municipal administration to the Director of Municipal Administration under the new municipal Act; while the Punjab Municipal Act relies more on the Deputy Commissioner rather than the Divisional Commissioner for exercising supervision over the municipalities.

Historically, the extent of powers exercised by the Collector

¹ The special number of *The Indian Journal of Public Administration* (Vol. XI, No. 3, July-September, 1965) contains a series of interesting articles on "The Collector in the Nineteen Sixties".

² Unless specifically mentioned, it subsumes sub-divisional administration also.

in relation to the municipal bodies has varied at different periods. Until the Montagu-Chelmsford Reforms (1918), the Collector had a dominant role in municipal government. He was sometimes the Chairman of a municipality and in small towns "the budget was usually framed in the office of the District Magistrate and presented to the board as a *fait accompli*".³ The Reforms led to the creation of local government departments in the Provinces with popular ministers as their heads. Government control came to be exercised from without rather than within which Lord Ripon had advocated during the last quarter of the nineteenth century. Municipal government was freed from official leading strings but the Collector retained some powers of supervision and control which have not changed very much during the last fifty years. It may be pointed out that in the rural sphere panchayati raj emerged almost like the proverbial bull in the china-shop of district administration, and led to an erosion of the Collector's authority.⁴ Comparable developments in urban local government have not taken place after Independence, and the basic nature of relationship between the Collector and the municipal bodies has, by and large, remained unaltered since the Montagu-Chelmsford Reforms. However, in the six States that have set up the Directorates of municipal administration, a wind of change seems to be blowing. For, so far as supervision and control of municipal bodies are concerned, the Directorates are entering into a domain which was long reserved for district administration.

The major powers of the Collector in relation to municipal government and administration, as provided in the municipal Acts of the six States, have been listed in the Appendix. For reasons to be stated later, the powers of the Collector in Rajasthan and those of the Deputy Commissioner in Punjab will be discussed in a separate section in this chapter. In the remaining four States, the Collector's powers are more or less, similar. His authority is mostly on organisational and administrative matters, and he has been endowed with some emergency and special powers. Except Kerala where the Director has been appointed

³ Hugh Tinker, *The Foundations of Local Self-Government in India, Pakistan and Burma*, (First Indian Edition, Bombay), 1967, p. 67.

⁴ P. K. Dave, "The Collector, Today and Tomorrow", *The Indian Journal of Public Administration*, Vol. XI, No. 3, July-September, 1965.

as the Election Authority, in the three other States the Collector has important electoral responsibilities such as hearing of appeals against the orders of election officer (Andhra Pradesh), nomination of officer for maintaining list of voters (Gujarat), and conducting of elections of municipal councils (Maharashtra). He convenes special meetings of the council and accepts the resignation of the municipal chairman/president. In Gujarat and Maharashtra, the Collector has more powers relating to municipal election and organisation than his counterpart in Andhra Pradesh and Kerala. So far as administrative control is concerned, in all the four States the Collector has the general power of inspection and supervision including the authority to call for reports, returns, statements and other municipal documents and information. In normal circumstances, the Collector does not have any other important powers over municipal administration. But, in all the States he has emergency and special powers which include power to suspend a municipal resolution, order or act, and to direct or provide for the execution of any work in case of emergency at the expense of the municipality. In Andhra Pradesh, Kerala and Maharashtra, the Collector has limited sanctioning powers in financial matters. It appears from the list of major powers of the Collector in the four States, as shown in the Appendix, that Gujarat and Maharashtra have made more use of this functionary than Andhra Pradesh and Kerala. Of course, it is in the very scheme of organisation of the Directorate in Gujarat and Maharashtra that in the absence of an independent field machinery of the Directorate the Collector will be utilised for the field-level operations of the Directorate.

In both Punjab and Rajasthan, the Directorate and the district authority have concurrent powers in many respects. In Punjab, the Regional Deputy Directors have been appointed Deputy Commissioners under Section 3(4a) of the Punjab Municipal Act, 1911. Accordingly, they are authorised to perform the functions of the Deputy Commissioner within the limits of their territorial jurisdiction. Similarly, the Director has been appointed Deputy Commissioner under the same Section. But the Director has been delegated more State powers, and he has been authorised to exercise the powers of the Deputy Commissioner in limited instances. For instance, he performs the functions of the Deputy Commissioner under Sections 232 and 235 of the Act,

which empower him to suspend municipal resolutions or orders. As shown in the Appendix, the Regional Deputy Directors have been given more powers of the Deputy Commissioner presumably because of their presence in the regions close to the municipalities. In fact, the Directorate was inaugurated in Punjab with the express purpose of reducing the scope of powers and control exercised by the Deputy Commissioner and the Sub-Divisional Officer in relation to municipal administration. This explains the wider delegation of powers to the Regional Deputy Directors who were expected to work as the direct field agents of the Directorate. Even then, it can be readily ascertained from a comparison of the powers of the Deputy Commissioner with those of the Regional Deputy Director that the latter functionary has much more limited authority, and he has not been given important appellate powers, and emergency and special powers⁵. Another significant feature is the enjoyment of concurrent powers by the Deputy Commissioner and the officers of the Directorate who have been appointed as Deputy Commissioners. Formally speaking, the delegation of powers under Section 3(4a) of the Punjab Act to the Director and the Regional Deputy Directors does not extinguish the original jurisdiction of the Deputy Commissioner in the Act. Thus, two sets of officers have been empowered to operate in the same areas, which might lead to differences of views and conflicting opinions about their jurisdiction and powers. It seems that the Punjab Directorate has been set up without any clear idea about the role of its own regional offices and that of the traditional State field administration. To cite an instance of this ambivalence, the powers under Section 232 relating to suspension of municipal resolutions or orders or acts were initially delegated to the Regional Deputy Directors only in part, so that, among the various grounds for suspension, these officers were authorised to take action on limited grounds, *viz.*, when the municipal resolution, order or act is in excess of powers conferred by law or contrary to public interest, or likely to cause waste or damage of municipal property or funds. Recently, these limited powers have also been withdrawn from the Regional Deputy Directors⁶.

⁵ Sections 84(1), 154-C, 232 and 233 are illustrative of these exceptions.

⁶ *Vide* Punjab Government Notification No. GSR/PA3/11/S 3/66 dated 25.6.1968.

Again, under the Municipal Account Code important financial powers relating to sanctioning of budgets, reappropriation from one head to another and regularisation of excess expenditure have been delegated to the Director who exercises these powers only in respect of Class I municipalities. But similar powers in respect of Class II and Class III municipalities have not been delegated to the Regional Deputy Directors, and these powers are still left with the Deputy Commissioner.

It has been pointed out earlier that under a reorganisation scheme in 1962, the regional field machinery of the Rajasthan Directorate was abolished and the Collectors and the Sub-Divisional Officers were entrusted with the work of supervision, control and inspection of municipal boards under their jurisdiction. Thus, Rajasthan chose to make use of the traditional field administration which, it was felt, would have lighter workload after the separation of judicial and executive functions. Since then, the Director of Local Bodies has been empowered to inspect and supervise the work of *municipal councils* only, and all other *municipal boards* are looked after by the Collectors and the Sub-Divisional Officers. However, the Director's powers under Sections 283, 284 and 285(1) extend to all the councils and boards in the State; he exercises these powers concurrently with the Collector. As shown in the Appendix, in Rajasthan the powers of the Collector over municipal administration are almost the same as those of the Director, the difference being only in their operative jurisdictions. This deliberate switch over to the traditional State field machinery in preference to the specially constituted regional organisation reveals the element of substitutability between the two. Thus, Rajasthan slid back to a structure which was adopted by Gujarat and Maharashtra a few years later.

From this brief survey it appears that the Collector has been conferred varying powers in relation to municipal administration in the six States. Generally speaking, the States that do not have regional organisation of the Directorate have relied on the Collector to a greater extent than those that have set up such a machinery. The only exception in this respect is Kerala where the Collector has much less powers, although the Kerala Directorate does not have any separate field organisation of its own. This has been possible in Kerala because of this small size of the State and fewer

number of municipalities which the Director alone can look after without much of field assistance. Where the Collector undertakes the field responsibilities of the Directorate, it is necessary to define his relationship with the Director of Municipal Administration. In Maharashtra, the Director replaces the Divisional Commissioner in the new Act, but the Collector is not directly subordinate to the former. Only Section 308(4) of the Maharashtra Municipalities Act empowers the Director to rescind, revise or modify the suspension order issued by the Collector. In Rajasthan, the Director has been given revisional power in connection with the orders of the Collectors. In order to verify the correctness, legality or propriety of any order passed by the Collector, he may call for relevant records and pending their examination hold such order in abeyance and later reverse or modify it.⁷ By virtue of this authority, the Rajasthan Director has been placed in a superior position to the Collector, which has important administrative implications. Since the Collector normally belongs to the Indian Administrative Service, unless the Director of Municipal Administration is a senior officer, preferably from the same Service, the formal subordination of the former to the latter may not work in practice and there may not be a smooth relationship between them. This, of course, does not apply to the Directorates of Andhra Pradesh and Punjab where their regional officers are distinctly subordinate to the respective Directors.

The very fact that in all the six States the Collector has been entrusted with some powers of control and supervision over municipal administration introduces an element of competitiveness between the Directorate and the district administration. In Maharashtra and Rajasthan the Collector exercises concurrent jurisdiction with the Director in matters of supervision and control of municipal administration within the district. In Punjab, the Deputy Commissioner enjoys concurrent jurisdiction with the Director and the Regional Deputy Directors and in fact these officers of the Directorate have been appointed as Deputy Commissioners. Table 5 gives a clear view of the overlap of powers of the Director and the Collector under the municipal Acts of the six States. Because of this overlapping jurisdiction, there will always be a strong and justifiable tendency among the

⁷ Section 300 of the Rajasthan Municipalities Act, 1959.

TABLE 5
OVERLAPPING POWERS OF DIRECTOR AND COLLECTOR

<i>Act</i>	<i>Section</i>	<i>Powers</i>
1. Andhra Pradesh Municipalities Act, 1965	Sec. 63 (Director)	General powers of Inspection & Super- vision
	Sec. 67 (Collector)	
	Sec. 59(2) (Director)	Power to suspend municipal resolution, etc.
	Sec. 70 (Collector)	
	Rule 10, Schedule I (applies both to Collector and Regional Director)	Copies of minutes of proceeding of council meetings to be sent to Collector and Regional Director
2. Gujarat Municipalities Act, 1963	Sec. 257 (applies to Collector, Director and Assistant Director)	General powers of inspection and supervision
3. Kerala Municipalities Act, 1960	Sec. 43 (applies to Collector and Director)	General powers of inspection and supervision
4. Maharashtra Municipalities Act, 1965	Sec. 79(6) (Director) Sec. 79(4) & (5) (Collector)	Director and Collector to decide appeals of staff drawing Rs. 75 or more
	Sec. 71 (Director) Sec. 72 (Collector)	Approval of bye-laws
	Sec. 306 applies to Director and Collector	General powers of inspection

(Contd.)

<i>Act</i>	<i>Section</i>	<i>Powers</i>
	Sec. 307 applies to Director and Collector	Power to call for reports and returns and to require council to consider objection
5. Punjab Municipal Act, 1911	Sec. 3(4a) applies to Director, Regional Deputy Director and Deputy Commissioner	Concurrent powers with some exceptions
6. Rajasthan Municipalities Act, 1959	Sec. 65(12) applies to Director and Collector	*To receive resignation of Chairman
	Sec. 67 (f) applies to Director and Collector	*municipal resolutions to be sent to both
	Sec. 80 (5) applies to Director and Collector	*to sanction contracts of more than Rs. 5,000 Director up to Rs. 40,000 and Collector up to Rs. 20,000.
	Sec. 86 (2) applies to Director and Collector	*to hear appeals of sweepers and scavengers, when dismissed or removed
	Sec. 281 applies to Director and Collector	*to receive annual accounts
	Sec. 283 applies to Director and Collector	General powers of inspection, (concurrent powers)
	Sec. 285(1) applies to Director and Collector	Power to suspend resolution, order, etc., (concurrent powers)

(Contd.)

<i>Act</i>	<i>Section</i>	<i>Power</i>
	Sec. 310(5) applies to Director and Collector	*to hear establishment appeals of staff
	Sec. 302 applies to Director and Collector	*powers in respect of posts encadared in Rajasthan Municipal Service

* Director is concerned with municipalities having more than 50,000 population.

States to belittle the importance of the Directorate, discourage its expansion and even to abolish it altogether. After all, the Collector is the officer on the spot who has wide knowledge of local conditions, and it is economical to utilise the Collector instead of setting up an altogether new machinery. It is small wonder, therefore, that Rajasthan abolished the regional machinery of the Directorate in 1962, and a recent Committee in Kerala has recommended the abolition of the Directorate itself. To quote the words of the Committee:

"We have examined the scheme of the Kerala Municipalities Act, 1960, and find that there is no difficulty in notifying the District Collectors as Directors of Municipalities in their respective Districts. The Revenue Divisional Officers (Sub-Divisional Officers) have already been declared as Deputy Directors in their respective sub-divisions. We recommend the abolition of the Department (Directorate) of Municipalities and the notification of District Collectors as Directors of Municipalities."⁸

To suggest replacement of the Directorate by the district administration sounds rather improper; for, it involves a comparison between uncomparable agencies. The Directorate is essentially a State-level agency with State-wide jurisdiction, functions and responsibilities, while district administration is purely a field-level organisation. In other words, the Director and not the Collectors in the different districts, can ensure *uniformity* in State supervision and control over the municipalities. If at all a comparison has to be made, it should be made between the district

⁸ *Report of the Administrative Reorganisation and Economy Committee (1966-67)*, Government of Kerala, 1967, pp. 15-16.

administration and the regional offices of the Directorate, as in Andhra Pradesh and Punjab. In these two States, the jurisdiction of each regional office does not, however, coincide with that of a district; it is invariably larger than the district. In Andhra Pradesh, there are two regional offices, each embracing ten districts. In Punjab two of the three regional offices are located at divisional headquarters, and the third one is at Ludhiana; but each regional office has its jurisdiction extending to more than one district. Still, it is admitted that in spite of dissimilarities in jurisdiction, the regional office of a Directorate is as much a field agency as the district administration; so, one might built up a case for the abolition of the regional offices of the Directorate of Municipal Administration and for the transference of their functions and responsibilities to the district administration. Here, it is relevant to quote the opinion of the Punjab Government justifying a separate machinery for municipal supervision :

“The Deputy Commissioners and the Sub-Divisional Officers have their hands full with their multifarious duties pertaining to revenue, development, and general administration and have not enough time to devote to the problems of urban local bodies. This state of affairs underlined the need for a separate machinery for adequate and continuous supervision of urban Local bodies.”⁹ Apart from his busy schedule, tradition seems to stand in the way of the Collector as a guide and adviser of the municipalities. As the Punjab Local Government (Urban) Enquiry Committee observed, “the office of the Deputy Commissioner is associated with authority and for that reason even his advice is sometimes taken as interference.”¹⁰ With the emergence of the Directorate, reportedly there is a tendency on the part of district administration to ‘pass on the buck’ to the Directorate; whenever any important issue has to be decided, the Collectors would much rather forward it to the Director than stick their necks out.

In fact, so far as supervision and control of municipal bodies are concerned, there is very little to choose between the Directorate of Municipal Administration and the district administration. Both are headed by civil servants, and the State powers in the municipal Acts remaining as they are, there is hardly any room

⁹ Punjab Government Memo. No. 3285-CIII-66/1775, dated April 27, 1966.

¹⁰ Report, *op. cit.*, p. 14.

for either of them to be a good Samaritan. The practice of statutory supervision of representative local bodies by the civil servants is a legacy of the past and its continuation even after Independence testifies to our strange inability to modify the municipal Acts in the light of changed circumstances. Inspection of municipal bodies for reporting purposes, consultancy work and tendering of advice and assistance by the civil servants stand to reason, but the bestowal of statutory powers on them of control, regulation and supervision of representative municipal authorities is in no way compatible with the democratic ethos. A political institution like a local self-governing body should in theory be dealt with directly by a Minister who is a member of the legislature, which framed the law governing the political institution and to whom he is accountable. In practice, the civil servants would no doubt exercise control and supervision through directions and circulars, advice and guidance, pressure and persuasion. But overtly, any action that needs to be taken by the State Government in respect of the municipal bodies must be a statutory responsibility of the Minister concerned, and no power of taking such action, either temporary or final, should be specified in the substantive provisions of a municipal Act.

Turning to district administration in particular, it may be recalled that the State-run district administration grew up in its full splendour and authority during a period when the local self-governing bodies were of not much consequence, and its growth was largely at the expense of these local bodies. There has, however, always remained a strange duality latent in Indian field administration, which has become more conspicuous in recent times as local bodies are increasingly being involved in developmental activities. From a long term point of view, the withering away of district administration in its present form is perhaps written in the logic of local government development, and it would impede rather than promote the growth of municipal government if district administration is sought to be resurrected and restored to its ancient glory.

VIII

DIRECTORATES AT WORK

Aside from an examination of the formal powers of the Directorates, an attempt was made to observe their actual working. Since the municipalities are at the receiving end, selected municipalities were also visited by us to ascertain their viewpoints about the Directorates.

All the Directorates have both stationary and touring duties. The latter include regular inspection and enquiries, and occasional visits. As new municipal Acts came into force in Andhra Pradesh and Maharashtra, the Directorates in both the States had to devote much of their time to election work. Table 6 gives the number of inspection trips and visits of the Directors and their deputies during 1967-68. In Punjab and Rajasthan, inspection work is undertaken mostly by the Regional Deputy Directors and the Collectors respectively; in consequence, the Directors in these States have paid very few field visits. The Andhra Pradesh Directorate has also had its regional offices; still, the Director and the Deputy Director (headquarters) have been making field visits to conduct enquiries and general inspection work and to advise the municipalities on financial and administrative matters. Although, no hard and fast rule has been laid down, the Andhra Pradesh Director usually inspects special and selection grade municipalities and the rest are left to the care of the Regional Directors. In Punjab, the inspection work is entrusted to the regional officers and in Rajasthan it is undertaken concurrently by the Director and the Collectors and the Sub-Divisional Officers. Under a government order, the Directorate in Gujarat has to conduct inspection in at least twelve to fifteen municipalities a year. Most of the inspection work is done by the Assistant Director, as the Director acting both as the head of the Directorate and the Deputy Secretary to

Government in the Department of Panchayats and Health finds little time for field visits. In Maharashtra, which has the

TABLE 6
VISITS AND INSPECTIONS BY DIRECTORS DURING
1967-68

<i>State</i>	<i>Number</i>
1. Andhra Pradesh	
(a) Director	43
(b) Dy. Director (HQ)	20
2. Gujarat	
(a) Director	4
(b) Assistant Director	10
3. Kerala	
Director	15 days a month on tour (approx.)
4. Maharashtra	
(a) Director	37
(b) Personal Assistant	17
5. Punjab	N
6. Rajasthan	4
N = Negligible	

same type of integrated Directorate as Gujarat, the Director and his Personal Assistant could manage to pay more field visits, which they have to undertake in any case as the number of municipal bodies in Maharashtra is more than four times the number in Gujarat¹. In Kerala, on an average fifteen days a month are spent by the Director on field visits.

Apart from annual inspection, enquiries are conducted by the Directorates into the affairs of specific municipalities on public

¹ See Table 2 in Chapter IV.

demand, or sometimes even on the request of the municipal authorities themselves. While on tour, very often would the Director meet and discuss with the councillors various municipal problems and suggest measures to solve them. For regular inspection, the Directorates have their inspection cells with superintendents and a few other staff. The advance party of the inspecting staff visits the municipality and on the basis of their findings prepares inspection notes for the Director or his deputy. The Kerala Directorate has prepared a very detailed questionnaire to collect municipal information methodically. The questionnaire is divided into two parts. The first part covers questions on general administration including particulars about a municipal area, the services provided in that area, organisation and business of the council, work of the commissioner and other departmental heads, and financial administration, and the second is devoted to matters relating to office management, distribution and supervision of work, maintenance of records and registers and so on. Every conceivable aspect of municipal administration is taken care of in the questionnaire, which remains a model even for a researcher on municipal government. Perhaps this explains the good reporting system in Kerala on municipal administration².

Apart from inspections, visits and enquiries, the Directorates are used to sending circulars to the municipalities with a view to explaining government orders, advising the municipalities on specific cases, and elaborating procedural matters. This is an important method to keep in constant touch with the municipalities and in the process they receive timely advice and guidance. Actually, the Kerala Directorate has published a volume on *Extracts from Selected Circulars* which cover a wide range of subjects and are of great practical value to the municipalities in their day-to-day work. However, in dealing with local representative bodies, the circulars should be carefully worded so that these convey the impression of a helping hand rather than that of a pair of prying eyes. In one State, an apparently innocuous circular laying down some guidelines for the chief executive officers was construed to be an unauthorised trespass on the part of government into an area falling within the competence of the

² For instance, the annual administration report of Kerala's Department of Municipalities is one of the finest in India.

municipal boards. This also shows that to the municipalities there is hardly any noticeable difference between the Directorate and the State Government.

Often, the municipalities approach the Directorate to help them in specific cases. It may be a request to pressurise the Government for a speedy decision in particular matters, or to ask a sister department to expedite action in a municipal case. For instance, in Gujarat a particular municipality approached the Directorate to pursue their case about the technical sanction of a water supply scheme which was being dealt with in another department. In Kerala, the municipalities in one area made complaints to the Director about the lack of adequate electric power supply which stood in the way of proper municipal street lighting. At the initiative of the Directorate an informal committee was set up consisting of the technical officers of the Kerala State Electricity Board and the representatives of concerned municipalities. In Andhra Pradesh, a municipality sought the advice of the Directorate for augmentation of municipal revenue and it is reported to have benefited from the suggestions offered by the Director. From a municipality in Maharashtra comes the report that the Director had given guidance for improving the financial position of the municipal councils by suggesting new taxes, clarifying simultaneously the legal position involved. Valuable guidance is reported to have been given by the Maharashtra Director for the framing of bye-laws regarding duties and functions of the various sub-committees and the standing committees and in connection with the bye-laws for issuing licences and recovery of licence fees from the municipal market, when provision for recovery of cattle registration fee in the old Act was not saved by the provisions of the new municipal Act of Maharashtra. It was claimed both in Kerala and Gujarat that the Directorates have played an important role in persuading, advising and guiding the municipalities to step up collection of taxes and augment their financial resources. In Gujarat, the Directorate has been successfully persuading the municipal bodies to impose property tax which is optional. The average percentage of collection of municipal revenue in Kerala increased from 82 per cent in 1965-66 to 85 per cent in 1966-67, and 14 municipalities, or half of the municipalities in the State, reached the 90 per cent mark, which is no doubt a

remarkable achievement. The Kerala Directorate keeps a constant vigil on municipal financial performance. The Financial Assistant of the Directorate and the Assistant Commissioner of Local Fund Accounts in the region visit each municipality and conduct on-the-spot verification of audit reports. The Director insists on half-yearly reports from the municipal commissioners on the clearance of audit objections. The monthly and annual accounts of municipalities are subjected to review by the Directorate. Besides, there is a quarterly return on the progress of collection of taxes which shows the pending bills at the beginning of the quarter, bills issued during the quarter, the balance to be collected and the percentage of issues and collection. This quarterly report is sent by the commissioner to the Director with the remark whether the collection during the quarter had come up to mark. If the collection is not satisfactory, the commissioner is to report the reasons thereof, in which he has to fix the responsibility of particular bill collectors and revenue inspectors who supervise them and that of the revenue officers who look after revenue administration in general. The commissioner has also to intimate the steps taken in this regard. All this looks like a fool-proof system which works well due to the municipal chief executive, the commissioner, being a State appointee.


Except Gujarat, Maharashtra and Punjab, all the other States under study have introduced State-wide cadres of municipal service. Naturally, the Directorates in these States are involved in municipal personnel administration on which they devote a considerable amount of their time. Cases of sanctioning of posts, transfers, promotion, disciplinary measures and appeals account for a major portion of the Directorates' activities in these States. Where the Directorates have substantial powers over municipal personnel matters, as in Maharashtra regarding sanctioning of posts and appeals and in Punjab under section 41 of the Punjab Act, municipal personnel cases constitute one of the main items of their work. For instance, during 1967-68 the Maharashtra Directorate had to deal with nearly 500 cases concerning sanctions to the creation of municipal posts and about 104 cases regarding appeals of municipal officers and servants against the decisions of the councils.

The execution of specific services has been undertaken by

the Directorates in Punjab and Rajasthan. The Punjab Directorate has under its direct control the Punjab Fire Office, and the Rajasthan Directorate is responsible for the implementation of the urban community development schemes. In Kerala, the Directorate administers three schemes, *viz.*, the town improvement scheme, the slum clearance scheme, and the scheme for improving living condition of municipal sweepers. It is the coordinating agency for all the urban local bodies including the municipal corporations and the Guruvayur Township as regards expenditure under the five-year plans and collection of certain items of government revenue such as additional entertainment tax, surcharge on show tax and profession tax. The Kerala Cattle Trespass Act, 1961, and the Kerala Hackney Carriage Act, 1963, are administered by the municipal bodies under the control and supervision of the Director. It has also been decided to create a common pension fund to be operated by the Director for servicing the superannuation benefits of the municipal employees. The Kerala Directorate has also been paying special attention to the work connected with the prevention of food adulteration and family planning in municipal areas in close cooperation with the State Health Services Department. For the prevention of food adulteration, the Directorate has introduced a regular system of registration of traders, sampling and launching of prosecutions. It has successfully persuaded the municipal councils to open family planning clinics and intensify family planning activities in their areas.

From this description, it should not be inferred that all is well with the Directorates; criticisms about their working have not been infrequent. The very purpose of having a Directorate is defeated when important queries from the municipalities are not attended to, or when the action to be taken by the Directorate is inordinately delayed. Such instances of indifference and delay are not rare. Doubts have been expressed about the feasibility of the scheme of bifurcation of the Secretariat and the Directorate. Instances are quite common where the Secretariat including the Minister concerned had intervened in areas which should normally have been left to the Directorate to take decisions. In such cases, the Directorate has virtually been reduced to a non-entity. Another important point relates to the personnel of the Directorate both at headquarters and the field levels. The

municipalities expect that the officers responsible for supervising, assisting and advising the municipal bodies should be well-versed in their job and temperamentally and technically suited to undertake the responsibilities. Many a time, however, the overbearing attitude and lack of a sense of dedication among the Directorate officials are understood to have prevented an *entente cordiale* between the municipalities and the Directorate.



IX

EPILOGUE

The discussions in the preceding chapters throw up a few important general problems which need some elucidation. The Directorates of Municipal Administration have been set up in the six States and the design of a more elaborate Directorate has been suggested recently by the Rural-Urban Relationship Committee with a view to strengthening and stimulating municipal government. Obviously, the assumption in both the cases is that at the State level there is a real dearth of expertise which has stood in the way of rendering proper guidance and assistance to the municipal bodies. The utility of a well-equipped department of municipal government at the State level hardly needs any emphasis.¹ Since municipal government falls constitutionally within the competence of the State Governments, responsibility for its healthy growth falls squarely on the States. But the task of development of municipal government cannot be undertaken in an administrative vacuum. A well-organised state department of municipal government is a necessary precondition of healthy municipal growth. As the Indian Statutory Commission of 1930 observed, "The present state of efficiency of Local Government services and administration in Great Britain has been largely due to an ever-increasing pressure by the departments of the Central Government. By numerous administrative devices, by inspection, by audit, by the giving of grants-in-aid on conditions of efficiency, and by an insistence on standards of competence in the municipal staff, the Local Government Board and its successor, the Ministry of Health, have steadily raised the standard of administration in all local

¹ See in this connection, *Seminar on Central Services to Local Authorities*, United Nations Technical Assistance Programme, New York, 1964, Chapter III.

authorities.”² The steady growth of British local government was due to a variety of causes, one of which was the goading and guiding role of the central government department in charge of local government. In India, the State departments in charge of municipal government are yet to appear in a comparable promotional role. Positive assistance and guidance can flow only from a well-equipped state department, which must do a great deal of home work to make itself really useful to the municipal bodies.

Central (State or Provincial) government organisation for local government differs from country to country. In *England*, for instance, the Housing and Local Government Ministry, which is divided at headquarters into ten administrative divisions and eight professional divisions, looks after the local bodies generally; also housing and town and country planning are under its charge. It has six regional offices in different parts of the country. The technical divisions of the Ministry include lawyers, architects, technical planners, estates officers and statisticians, who provide advice to the administrative divisions and often come in direct touch with the local bodies.³ There is no local government inspectorate in England charged with powers of general inspection. Inspections are conducted by inspectors of specific functional departments function-wise in respect of police, education, children, highways and fire-brigades. At the other end, in the *United States of America* the general practice has been to exercise control over the local authorities through functional departments rather than through a department of local government. Pennsylvania had its agency for local affairs as far back as 1919, but “it was not until the New York State Office for Local Government was established in 1959 that interest in a State agency for local affairs was revived”.⁴ Such agencies have since been created in a number of American States, which are functioning chiefly as clearing houses of information, providers of technical assistance, organisers of training programmes and coordinators of programmes receiving federal grants. The *Canadian practice*

² Quoted in Hugh Tinker, *op. cit.*, xi.

³ See J. A. G. Griffith, *Central Departments and Local Authorities*, George Allen & Unwin Ltd., London, 1966, pp. 23 and 299.

⁴ Joseph F. Zimmerman, *Government of the Metropolis*, Holt, Rinehart and Winston, Inc., New York, 1958, p. 136.

is more akin to the British, and as a recent observer of the Canadian scene remarks, "a provincial local government department (in Canada) regards its mission as that of promoting the health and development of local government".⁵

The *French practice* needs some elaboration as the directorate form of executive organisation is a peculiar feature of the French administrative system. The Ministry of the Interior is in overall charge of local authorities in France, and its direct representative, the Prefect, controls and supervises these authorities in each Department. Attached to the Ministry are four main Directorates dealing with local administration, personnel and political affairs, finance and litigation, and technical services. The first two Directorates concerned with local administration and personnel and political affairs are more intimately connected with the working of local bodies. The supervision of local authorities in France follows from the principles of control inherent in French constitutional law under which the local authorities are in a real sense organs of the State. Brian Chapman explains the position thus: "...because local authorities are organs of the State, peculiar only in that they have a special task to perform and a special mode of recruitment, the State has certain powers over them and over local councillors. Local authorities can be dissolved if they are found incapable of carrying out their duties properly, or if they violate the laws or refuse to perform duties legally incumbent on them. In addition, many of their decisions and actions are liable to the scrutiny and approval of a State authority, without which the decisions are null and void. This form of prior consent and general supervision over local authorities is called tutelage."⁶ As the local authorities in France are integral organs of the State, their supervision and control are organised, as a logical corollary, through the Directorates attached to the Ministry of the Interior.

The French system might immediately induce one to compare our fledgling municipal Directorates with those in France. Prior to such an exercise, it will be worthwhile to note the

⁵ *Management of Local Government*, Vol. 4: 'Local Government Administration Abroad' (by Dr. A. H. Marshall), HMSO, London, 1967, p. 89.

⁶ Brian Chapman, *Introduction to French Local Government*, George Allen & Unwin Ltd., London, 1953, p. 30.

organisations in two other Asian countries, *e.g.*, Japan and Ceylon. In *Japan*, the Ministry of Autonomy attached to the Prime Minister's Office is the special department in charge of local government. The Ministry organises training programmes through its College of Autonomy, conducts personnel exchange programmes between the Central Government and the local authorities, administers pension and mutual assistance schemes for the personnel of local authorities, controls them through its financial policy, and offers them legal advice. Periodical reports are published by the Ministry on different laws, regulations and judgments of courts for the benefit of local authorities. It also advocates the cause of local government with other Central Government departments.⁷

The organisation in *Ceylon* is of particular relevance to the evolving Indian system of Directorates of Municipal Administration. The Ministry of Local Government and Housing is in overall charge of local government and administration in Ceylon, but the executive instrument of the Ministry is the Department of Local Government headed by an appointed Commissioner of Local Government comparable to our Director of Municipal Administration. The Department is quite elaborately organised with three important sections dealing respectively with administration and legal work, accounting and internal audit, and civil engineering and minor waterworks. Attached to the Commissioner are a civil engineer, a water-works engineer, and other supporting staff. The Commissioner is assisted by a field organisation consisting of fourteen regional Assistant Commissioners, each of whom has a complement of assisting staff such as superintendents of village works and draughtsmen, and investigation officers to check the books of accounts of smaller local authorities. Thus, the Commissioner and his regional assistants keep a close watch on the activities of the local bodies, and offer them administrative and technical advice through circulars, inspection and discussion.⁸

This brief survey of the central organisations for local government in selected countries reveals that local government is being supervised, controlled and guided in three different ways. There

⁷ *Local Government in Selected Countries*, United Nations Technical Assistance Programme, New York, 1963, pp. 92-95.

⁸ *Ibid.*, pp. 18-22.

can be a British-type integrated department of local government with or without some allied functional responsibilities. The second method is to control the local bodies through functional central departments as has been the American practice so long, which is however changing in recent times in favour of the British model. Another method is to bifurcate central organisation into a policy section and an executive instrument. The French and Ceylonese organisational patterns are based on this principle of bifurcation, which is in vogue in many of the Continental countries in Europe. The Swedish 'board' administration under which each board operates as an autonomous executive agency within a statutorily delimited field, provides the best example of separation of the policy-making and policy-executing organs. The essence of the Swedish system, as Professor Chapman puts it, is that "public services are administered by boards, each under the general authority of a director, and each attached directly to the relevant ministry. The latter is primarily a small policy-making body, the sun, the source of energy; while the boards are the satellites, providers of information and services"⁹.

In India, the general practice has been to have a department of local self-government at the State level, with or without some allied functional responsibilities. For example, West Bengal, Rajasthan and Punjab have each a department of local self-government without any other functional responsibility; on the other hand States like Gujarat, Maharashtra and Andhra Pradesh have each got multi-functional departments at the State level with municipal government as one of many charges. As this study aims to point out, there is a trend in recent times to set up Directorates of Municipal Administration under a uni-functional or multi-functional Secretariat department in charge of municipal government. Partly, these Directorates came into being in the wake of the Directorates of Panchayati Raj Bodies; other motive force was provided by a general desire to promote healthy growth of municipal government. There are obvious merits of a Directorate which can pay single-minded attention to executive administration within a statutorily defined field, and it can thus greatly relieve the Secretariat department of petty details of

⁹ Brian Chapman, *British Government Observed*, George Allen and Unwin Ltd., London, 1963, p.35.

administrative load. In fact, it has been claimed that the department of local government in Ceylon which was created as an agency of the ministry after the inauguration of the Donoughmore Constitution in 1931, was instrumental in accelerating the development of local government in Ceylon.¹⁰ However, a directorate type of organisation has important implications for local self-government, which need to be carefully considered.

The 'board' or 'directorate' type of organisation rest on two important assumptions one of which is that the principal ministry or department headed by the minister will be responsible primarily for the fomulation of policies from the long-term point of view and from the standpoint of government as a whole, without being clogged with detailed administrative load. Its natural corollary is that there must be a sub-agency, a board or directorate, which would undertake the task of execution of policies involving detailed administrative work and rendering of direct services. When a ministry/department is directly providing a specific service such as public works, public health engineering and health services, a board or directorate is supposed to be a suitable agency for undertaking the operating responsibilities. But the responsibilities of the ministry of local government toward the local bodies and those of the ministry of public works or health toward providing specific services can hardly be equated. The ministry of local government has no direct operating responsibility in respect of local government; its function is mainly supervisory, regulatory and promotional.

Unless one draws the analogy of French constitutional law, which itself is a doubtful parallel, the State department in charge of municipal government in India is essentially external to municipal government over which it has only general control. The externality of State control and supervision has been a principal tenet of the philosophy of Indian local government since the days of Lord Ripon. The *first* of a number of 'goals of local government' as set down by a recent Committee,¹¹ is that local bodies should function as "local units of self-government", which phrase is obviously borrowed from Article 40 of the Indian Constitution relating to the organisation of village panchayats as units of self-government. *Local self-government*

¹⁰ Seminar on Central Services to Local Authorities, *op. cit.*, p. 91.

¹¹ Report of the Rural-Urban Relationship Committee (Vol. I), *op. cit.*, p. 16.

implies that the local self-governing bodies do not constitute a part of State administration, and they are representative of and responsible to the local citizens. It does not follow that they are not responsible to the State; the implication here is that in dealing with local self-governing bodies the State should not treat them as its administrative organ, and its control should be from outside in order that the *system* of local self-government can be preserved and promoted. State supervision is intended to strengthen local government by making it more and more self-reliant and not to encroach upon its powers and discretion.¹²

We do not wish to make a fetish of political philosophy. Since political institutions and their inter-relations do not exist in a philosophical vacuum, a brief digression was necessary. There is an arrant dichotomy in India between the professed philosophy of local government and the practised modes of administration. Our municipal laws abound in control powers of the State which have close semblance with the French *tutelage*. As pointed out in an earlier chapter,¹³ the Directorates of Municipal Administration have recently been the recipients of these State powers. On top of it, the current trend toward the formation of unified cadres of municipal services and the establishment of central valuation agency would have the effect of increasing the powers of the Directorates at the cost of the municipalities and virtually catapult them into municipal administration. Obviously, these contrivances are intended to bolster up municipal government, which no doubt stands badly in need of repair and renovation. But there is a lurking danger that in the process municipal self-government might suffer an eclipse.

It is not being doubted even for a moment that there is an urgent need in the Indian context for a purposeful, dynamic and well-equipped State organisation for municipal development. In this respect, the Rural-Urban Relationship Committee was dead right in observing that State supervision and control are at present "mainly directed towards securing the proper performance of the functions entrusted to local authorities without any conscious effort to make local government institutions grow",

¹² Contemporary problems concerning State-local relations have been dealt with in details in Abhijit Datta and Mohit Bhattacharya, *State-Local Relations in Municipal Administration* (to be published).

¹³ See Chapter IV.

and the States would be able to play a positive and effective role only if they have a proper machinery to supervise, advise and guide the municipal bodies.¹⁴ But it is the nature of the State machinery for dealing with the municipalities that has to be carefully considered.

State executive responsibilities toward the local self-governing bodies, under our parliamentary system of government, devolve on the Minister in charge of local government who is a member of the legislature and is accountable to it for his actions. Our old municipal Acts were framed in a very different political climate and even the new Acts framed after the inauguration of the Indian Constitution have failed to take note of the changed political system of the country. Thus, both in the old and the new municipal Acts State officials like a Collector or Divisional Commissioner appear as statutory authorities for the purposes of specific provisions. Another device is to allow the State executive administration to appoint any of its officials as a "prescribed authority". There is every justification to use the State officials for the purposes of conducting inspections, rendering advice and offering guidance; but any *action* in relation to a municipal body must be undertaken by the Minister concerned and not by any State official. The Minister would obviously act upon the reports and advice of the officials, still the final action should be his and he is under obligation to bring his actions to the notice of the legislature. It follows from the theory of ministerial accountability to the legislature that no *powers* in relation to the municipal bodies should be statutorily given to any State official. What we have been following so far in our municipal Acts are all due to our uncritical and irrational continuation of old practices that belonged to a very different political regime.

It must have been apparent by this time that the "directorate" form of State machinery with its powers derived either from the statute directly or by way of delegation is incompatible with the theory of ministerial responsibility. One might go further to point out that when the legislature is allowing delegation of powers to State officials other than the Minister, the legality of such delegation may be in doubt. For, the legislature should not provide for the delegation of powers in relation

¹⁴ Report, *op. cit.*, pp. 116 and 119.

to municipal bodies to anybody who is not accountable to it directly.

The role of the State Government *vis-a-vis* the municipalities is such that it is well-nigh impossible to create two sets of agencies each for policy-formation and policy-execution. Policy and its execution are twins in any administrative situation. Especially when the State Governments are dealing with representative political institutions like the municipalities, both policy and its execution should be handled by a single agency, *viz.*, the secretariat department headed by the Minister-in-charge. The approach should be to equip the Secretariat department properly and to streamline its administrative procedures in order to facilitate speedy actions. The negative and "police" role of the State department must give way to a positive and dynamic attitude toward the healthy growth of municipal government for which policy and its execution must go hand in hand together. The Secretariat department under the direct charge of the Minister should take care of both these closely inter-related functions.

So far as the State Secretariat departments of municipal administration are concerned, one of the principal reasons for the stagnation of our municipal government is that these departments have, by and large, abdicated their responsibility in the matter of evolving long-term policies for the development of municipal government. The Administrative Reforms Commission set up by the Government of India has laid considerable emphasis on the creation of a "policy cell" in each ministry concerned with development programmes. Such a policy cell would be manned by technical and professional personnel and would engage in policy studies with a view to evolving a series of well-articulated policy statements on important aspects of the work of the ministry.¹⁵ This recommendation applies with equal force to State-level administration relating to municipal government. A policy cell consisting of real experts on different aspects of municipal government and administration should be set up within the Secretariat department in charge of municipal government, and there must be a continuous feedback of field information from a well-organised inspectorate to the Secretariat

¹⁵ Administrative Reforms Commission, *Report on the Machinery of the Government of India and its Procedures of Work*, Government of India, 1968, p. 45.

department. The inspectorate will have to function in the crucial role of a friend, philosopher and guide and at the same time keep the Secretariat posted with the problems and difficulties faced by the municipalities. Within a long-range developmental policy frame, the inspectorate has to be used as an agent of new and progressive ideas which would emanate originally from a parent Secretariat organisation. In some States, there are chambers of municipal presidents which meet at certain intervals and discuss municipal problems and exchange ideas. A State advisory committee consisting of eminent municipal presidents and councillors and presided over by the Minister in charge of municipal government would greatly facilitate the policy-framing and policy-execution functions of the Secretariat department. Through discussions in the regular session of the committee, it will be easier to feel the pulse of the municipal councils and push through needed reforms. Once the clientele to be served is taken into confidence, the chances of possible conflicts and tensions are greatly reduced, and in serving such delicate political institutions as the local self-governing bodies it is all the more necessary that their points of view are accommodated as far as possible.

APPENDIX A

**RECOMMENDATIONS OF THE RURAL-URBAN
RELATIONSHIP COMMITTEE ON STATE
DIRECTORATES OF LOCAL BODIES**



RECOMMENDATIONS OF THE RURAL-URBAN RELATIONSHIP COMMITTEE ON STATE DIRECTORATES OF LOCAL BODIES¹

Para 11.14. *State Directorate of Local Bodies*: The Committee feel that a well-organised Directorate at the State level with effective regional inspecting staff should go a long way towards improving the system of direction, supervision and control of local bodies. It should guide and advise local authorities in the solution of their current and future problems and advocate their cause with the relevant departments. The Director and the Inspectors should function as friends and guides of local bodies. A body of inspectors for scrutinising the work of local authorities and keeping the State Government in touch with their special needs would also serve as a source of information for the State and local officials.

Para 11.16. *Organisation and functions*: The Committee are aware that it will take some time to build a well-organised set-up in States for promoting the healthy growth of local bodies. The Committee recommend that there should be:

- (a) A Directorate of Urban Local Administration at the State Headquarters under the charge of a senior officer, preferably one who possesses experience of municipal administration.
- (b) A Personnel Section in the Directorate to control and regulate the State cadres of municipal employees and guide and advise local authorities about personnel management and training.
- (c) A Central Valuation Section to guide and control the work of Valuation Officers and to act as the appellate authority for valuation of property.
- (d) A Planning and Finance Cell to guide and assist urban authorities in preparing their Five Year Plans on a uniform pattern as part of the State Plan. The Cell

¹ Report, *op. cit.*, pp. 120-121.

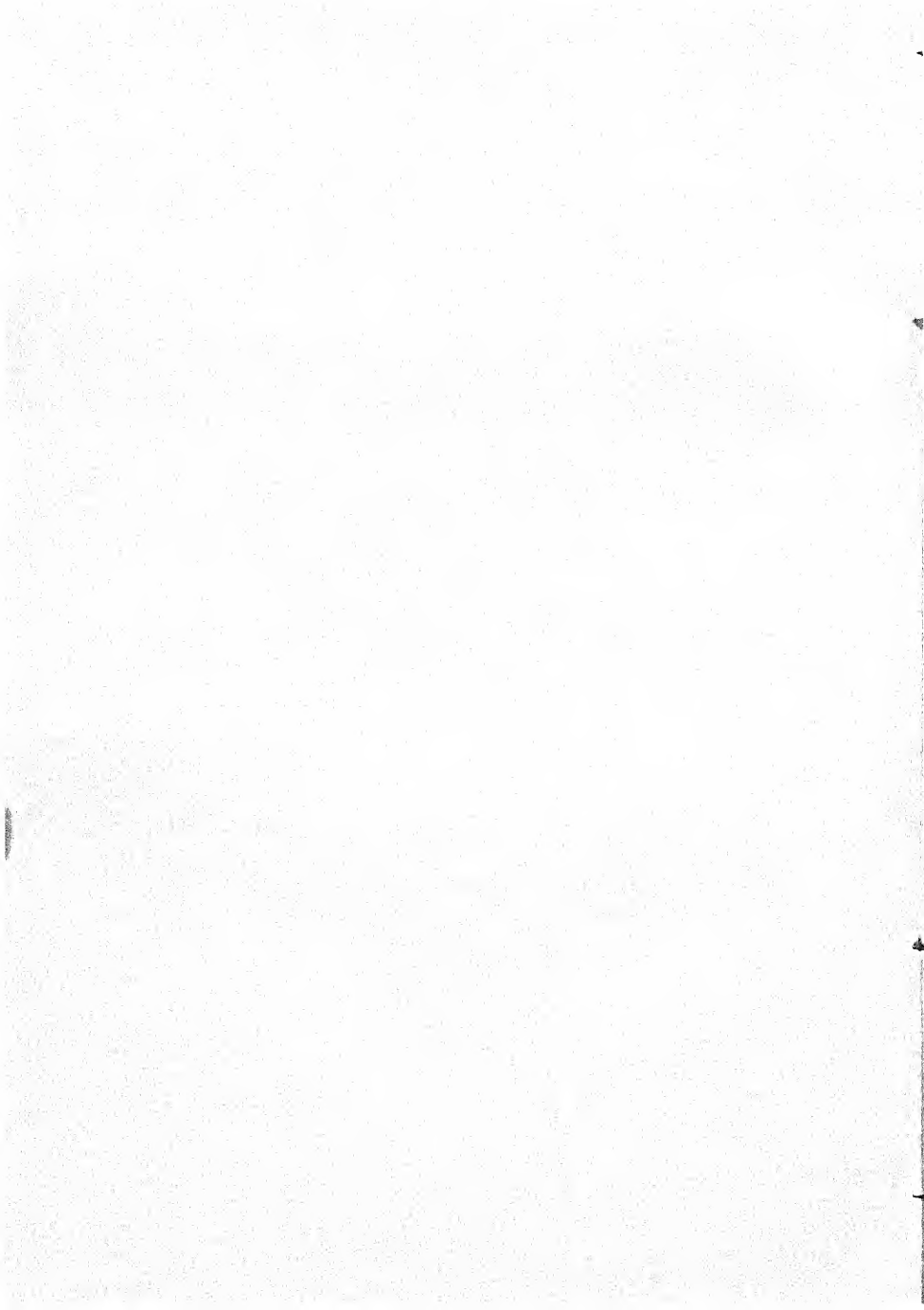
shall act as a liaison between the functional and technical departments of the Government in the planning and execution of their programmes in the urban areas. It will also collect data, analyse information and intelligence, prepare documents and circulate them among the local bodies.

- (e) An Inspectorate at the field level, with one inspector for each division or a group of districts.
- (f) A section under the direct control of the Director, aided by inspectors to give general direction and exercise supervision over the working of local bodies. The inspectors shall submit regular reports assessing the working of local bodies and bringing out their difficulties and suggesting remedial action. The section must also undertake the work of drafting model byelaws and rules and advise the State Government on changes in the law relating to urban local authorities.

Para 11.17. *Relation with technical departments*: The functions of the Directorate as given above do not include technical guidance and assistance in town planning and development and designing and execution of major works such as water supply, sewerage and sewage disposal. Recently, some State Governments have set up Town Planning Departments. The Committee recommend that a well-equipped Town and Country Planning Organisation should be established in every State to assist the municipal councils in the preparation of master plans. The organisation may also prepare regional plans providing the framework for local plans. The Committee further recommend that every State must have specialised organisation for public health engineering and water supply, sewerage and sewage disposal. These two technical services should function in close cooperation between themselves and with the Directorate of Local Bodies to ensure constant consultations and well-co-ordinated field activity.

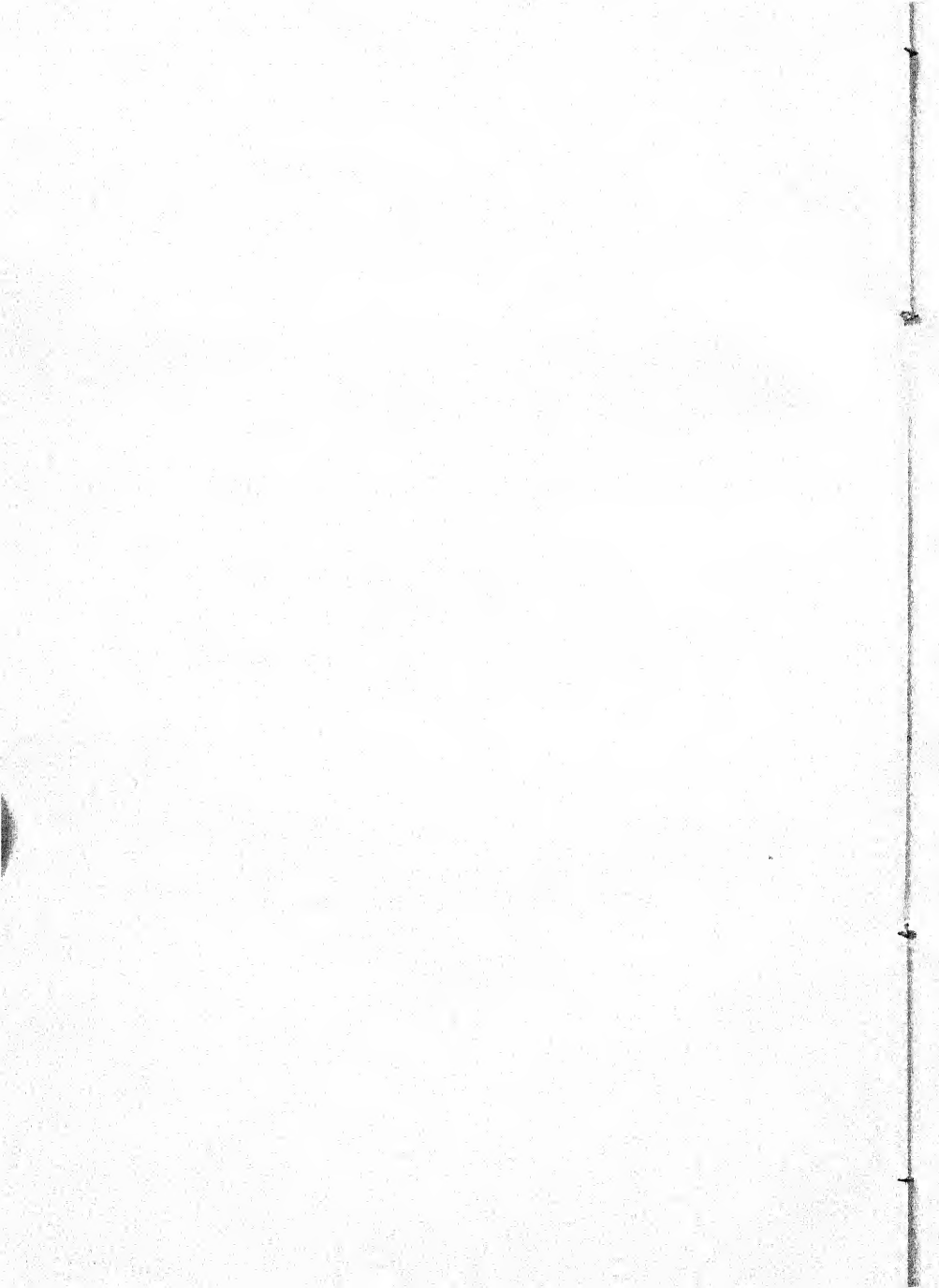
Para 11.18. *Audit of accounts*: Another important matter that would require the constant attention of the Directorate is the audit of accounts. Audit will continue to be the responsibility of the Examiner of Local Fund Accounts but it should become more meaningful and purposeful. Audit must play a more effective and positive role in improving the working of the

local bodies. There are a large number of audit objections remaining undisposed of, but many of them are of a routine character relating to procedural matters. It is necessary that the more serious objections should receive prior and careful attention. The Directorate should be able to give suitable directions and indicate specific aspects on which probe is needed.



APPENDIX B

**MAJOR POWERS OF THE DIRECTORATES OF
MUNICIPAL ADMINISTRATION**



POWERS OF DIRECTOR, ANDHRA PRADESH

Note : The Sections mentioned below are from the Andhra Pradesh Municipalities Act, 1965.

<i>Powers</i>		<i>Statutory Reference</i>
1. <i>Organisation</i>	—	—
2. <i>Personnel</i>		
(i) Sanction of posts other than public health and teaching staff		Sec. 73(3)
(ii) Appointment and transfer of members belonging to the Andhra Municipal Subordinate Service		Sec. 80
(iii) Transfer of other municipal employees from one municipality to another		Sec. 75
(iv) Disposal of establishment appeals from staff of special and selection grade municipalities and in respect of certain categories in other municipalities and against the orders passed by the Special Officers (where there are no councils) in the capacity of Executive Committees		Sec. 345 (2)
(v) Director is a member of the Committee constituted to prepare a panel of municipal employees and officers the pay or the maximum pay of which exceeds Rs. 80 p.m.		Sec. 74

*Powers**Statutory Reference*

- | | |
|--|-------------------------------|
| <p>(vi) Director to dispose off all establishment appeals preferred under the repealed Madras District Municipalities Act, 1920 (in respect of special and selection grade municipalities all appeals and in the case of other municipalities appeals from certain categories of posts).</p> | <p>Transitional provision</p> |
|--|-------------------------------|

3. Finance

- | | |
|--|---|
| <p>(i) Apportioning of profession tax between municipalities</p> | <p>Sec. 96(4)</p> |
| <p>(ii) Sanction of payment of law charges and retainer fees to the standing counsel by the municipalities</p> | <p>Rules 3 and 5 of the rules relating to payment of fees to the counsel</p> |
| <p>(iii) Grant of remission to the contractors in municipalities where the revision proposed exceeds Rs. 500 to Rs. 1000 based on the grades of municipalities but not exceeding Rs. 5,000</p> | <p>Under proviso (1) of Rule (3)(c) of the rules for the grant of remission</p> |
| <p>(iv) Sanctioning of extraordinary expenditure up to certain extent</p> | <p>Rule 55 of the rules in Schedule II of the Act</p> |
| <p>(v) Special permission of the Director is needed if a municipal council with a deficit budget wants to pay grant-in-aid to any institution</p> | <p>Andhra Pradesh Municipalities (Grants-in-Aid to Educational and Medical Institutions and Cooperative Building Societies) Rules, 1967</p> |

*Powers**Statutory Reference*

- | | |
|---|---|
| <p>(vi) Power to sanction contribution from municipal funds towards expenditure incurred by Government or any other municipality or local authority for the benefit of the residents of a municipality (above Rs. 200 and not exceeding Rs. 2,000 in the case of any grade of municipality up to First Grade and not exceeding Rs. 4,000 in the case of Special Grade and Selection Grade municipalities)</p> | <p>Sec. 129(1), (2) and (3)</p> |
| <p>(vii) Power to file suits and accord previous sanction to municipal council to file suits for compensation for loss, waste or misapplication of municipal funds</p> | <p>Sec. 374(1)</p> |
| <p>(viii) Power to sanction incurring of expenditure from municipal fund outside a municipality</p> | <p>Rule 39 of the Taxation and Finance Rules in Schedule II</p> |
| <p>(ix) Power to sanction payment of pension and gratuity to all municipal secretaries and submit the pension papers to the Accountant General</p> | <p>Rules under the Act</p> |
| <p>(x) Sanction of leave allowance, T.A., pension and gratuity to the municipal employees in excess of that admissible in the case of government employees</p> | <p>Proviso (1) to Section 76</p> |
| <p>(xi) Sanction of payment of expenses to chairman and councillors of special and selection grade municipalities on travelling on municipal business</p> | <p>Schedule II to the Act</p> |

*Powers**Statutory Reference*

- | | | |
|--------|--|-----------------------------|
| (xii) | Review of audit reports of municipalities in Telengana area | Government Order |
| (xiii) | Director to dispose of all tax appeals received up to 30.11.1967 | Authorisation by Government |

4. *Administration*(a) *General*

- | | | |
|-------|---|--|
| (i) | Accordinging sanction to municipal councils for leasing out, otherwise than by public auction, the right of removing municipal refuse | Rule 12(c) of the rules relating to the receipts and expenditure of municipal councils |
| (ii) | Annual Inspection of the Municipal Corporation of Hyderabad | Government Order |
| (iii) | Inspection of municipalities | Sec. 63 |
| (iv) | Adjudication of disputes between local authorities | Sec. 388 |
| (v) | Power to approve supply of water outside municipal limits (in consultation with Chief Engineer, Public Health) | Sec. 143 |

(b) *Special*

- | | | |
|-----|---|------------|
| (i) | Suspension of resolution, order, licence, permission of act, as the case may be, if execution of the same is likely to cause financial loss to the municipality, danger to human life, health or safety or is likely to lead to riot or breach of the peace | Sec. 59(2) |
|-----|---|------------|

POWERS OF REGIONAL DIRECTORS, ANDHRA PRADESH

<i>Powers</i>	<i>Statutory References</i>
1. Power to inspect municipal councils	Sec. 63
2. Power to sanction contribution from municipal funds towards expenditure incurred by Government or any other municipality or local authority for the benefit of the residents of a municipality (up to Rs. 200 in the case of 1st, IIInd and IIIrd grade municipalities)	Sec. 129(1)
3. Power to accord previous sanction for incurring of extraordinary expenditure of municipal council (up to Rs. 200 in the case of 1st, IIInd and IIIrd grade municipalities)	Rule 55 of the Taxation and Finance Rules in Schedule II

POWERS OF DIRECTOR, GUJARAT

Note : The Sections mentioned below are
from the Gujarat Municipalities
Act, 1963.

1. *Organisation*
 - (i) Except with the previous sanction of the Director, no court shall take cognizance of any offence alleged to have been committed by a president, vice-president or councillor of municipality while acting in the discharge of his official duty Sec. 254
 - (ii) No disqualification for membership if somebody has a share or interest in the occasional sale to the municipality of any article in which he regularly trades—value to be fixed by municipality with the sanction of Director (within Rs. 5,000) Sec. 11(3)(A)(V)

*Powers**Statutory Reference**2. Personnel*

- | | | |
|-----|---|-------------|
| (i) | Power to approve rule or alteration or rescission of a rule determining the qualifications for the appointment of municipal staff other than Chief Officer, Health Officer and Engineer | Sec. 271(a) |
|-----|---|-------------|

3. Finance

- | | | |
|-------|--|------------|
| (i) | Power to direct a councillor guilty of misapplication of municipal fund to make reimbursement | Sec. 70(2) |
| (ii) | Municipalities to send annual accounts to the Director, other details and vouchers relating to it may be called for | Sec. 78 |
| (iii) | Municipal fund and property can be applied for the purposes of the Act outside the municipal limits in certain cases such as land acquisition, construction, maintenance, repair or purchase of works outside municipal limits for water supply, disposal of night soil, etc., with the sanction of Director | Sec. 83 |
| (iv) | Municipality to make a contribution towards expenditure incurred by any other local body for measures benefiting the residents of municipality, with the sanction of Director | -Do- |
| (v) | To create scholarship outside municipal limits with the sanction of Director | -Do- |

<i>Powers</i>	<i>Statutory Reference</i>
(vi) Powers of Director to prevent extravagance in establishment expenditure	Sec. 260
(vii) Power to authorise municipality to incur expenditure on medical relief or education outside its limits	Sec. 84(3)
(viii) Power to determine rates and conditions of payments to be made by municipality for the treatment of indigent persons undergoing anti-rabic treatment	Sec. 88
(ix) Power to prescribe rates of payment for treatment of lunatics and lepers	Sec. 89
(x) Director is controlling authority for distribution of grants to municipalities	Government Resolution

4. *Administration*

(a) *General*

- | | |
|--|---------------------|
| (i) Power to inspect municipality and call for any extract from proceedings or documents of municipality | Sec. 257 |
| (ii) Power to authorise municipality to extend services beyond municipal limits | Sec. 84(1) |
| (iii) Power to sanction printing of annual administration reports | Sec. 87D(c) |
| (iv) Power to sanction the reclamation of waste land | Sec. 91(F)B |
| (v) Power of State Government to appoint persons to authenticate assessment list in special cases | Sec. 112(1) and (2) |

(b) *Special*

POWERS OF DIRECTOR, KERALA

*Powers**Statutory Reference*

Note : The Sections mentioned below are from the Kerala Municipalities Act, 1960.

1. *Organisation*

- (i) Powers of Election Authority Sec. 3(14)
- (ii) The power of dividing the municipal area into wards for election of councillors and fixing the seats reserved for scheduled castes and women Sec. 56

2. *Personnel*

- (i) The Director is the controlling, transferring and appellate authority under the common service rules framed under this section Sec. 91

3. *Finance*

- (i) Power to accord administrative sanction to estimate exceeding Rs. 10,000 Sec. 86(4)
- (ii) Power to accord previous sanction to the municipal council to exempt any area from payment of the whole or portion of water, drainage or lighting tax Sec. 100(3)
- (iii) Apportioning of profession tax between local authorities Sec. 110(4)
- (iv) Power to grant exemption (to parties) from payment of any tax to a municipal council Sec. 133(2)

*Powers**Statutory Reference*

- | | |
|--|--|
| (v) Power to direct the municipal council to modify its budget to be in consonance with the provisions of the Act or on grounds of any excessive or inadequate appropriation in any of the items in the budget | Sec. 145 |
| (vi) Power to accord sanction to a municipal council to contribute towards expenditure incurred by Government or other local authority for purposes authorised under Part II of Schedule II and to direct the municipal councils to make such contribution | Secs. 147 and 149 |
| (vii) Power to sanction municipal expenditure outside municipal limits | Rule 41 of Schedule II of Act |
| (viii) Power to determine municipal election expenses | Rule 46(2) of Schedule II of Act |
| (ix) Power to sanction extraordinary expenditure | Rule 56 of Schedule II of Act |
| (x) Director to forward a report to Government through the Local Fund Accounts Examiner on resources raising effort and satisfactory performance of municipalities | Rule 9 of the Kerala Municipal (General Purpose Grants-in-Aid) Rules, 1966 |

*4. Administration**(a) General*

- | | |
|---|---------|
| (i) Director appointed as the inspecting and superintending authority | Sec. 47 |
|---|---------|

*Powers**Statutory Reference*

- | | |
|--|--------------------|
| (ii) Powers to inspect, ask for document, return, plan, estimate, any other report or information, record in writing, any other observation for the consideration of the council or Commissioner | Sec. 43(1) and (2) |
| (iii) Power to sanction supply of water to a local authority or other persons outside the municipality on specific conditions | Sec. 162 |
| (iv) Power to pass orders or give directions to municipal council relating to licences for factories | Sec. 287 |
| (v) Power to approve and confirm bye-laws | Sec. 351 |
| (vi) Power to call for records and pass orders | Sec. 364(2) |
| (vii) Power to sanction institution of suits against chairman, councillor or Commissioner for any loss or misapplication of municipal fund or property | Sec. 396(1) |
| (b) <i>Special</i> | — — |

POWERS OF DIRECTOR, MAHARASHTRA

Note: The Sections mentioned below are from the Maharashtra Municipalities Act, 1965.

1. *Organisation*

- (i) To fix the number of elected councillors Sec. 9

*Powers**Statutory Reference*

- (ii) To approve division of municipal wards Sec. 10
- (iii) To fix the date of freezing of electoral roll Sec. 11
- (iv) To approve bye-laws regarding powers and functions of standing committee and subject committees Sec. 71

2. Personnel

- (i) To accord sanction to creation of posts of officers and servants of municipal councils Sec. 76(1)
- (ii) To determine qualifications, pay and allowances of officers and servants of municipal councils if minimum salary of the post is Rs. 75 or more Sec. 76(2)
- (iii) To decide appeals of officers and servants in posts with pay scales carrying minimum of Rs. 75 or more against decisions of council Sec. 79(6)

3. Finance

- (i) To distribute grants to municipal councils and act as controlling officer Government Order
- (ii) To accord sanction to incur expenditure on works which are beyond municipal limits Sec. 97
- (iii) To sanction budget estimates of indebted councils Sec. 101
- (iv) To prevent extravagance in establishment expenditure Sec. 310

4. *Administration*(a) *General*

- (i) To sanction renewal of leases of immovable properties for a period exceeding three years and less than seven years Sec. 92
- (ii) To appoint special recovery officers from revenue department subordinates to recover municipal taxes on the request of municipal council Sec. 168
- (iii) To enforce acceptance of model bye-laws framed by Government with necessary modifications to suit local conditions Sec. 323
- (iv) To exercise general supervision over the affairs of councils Secs. 74, 306 and 307
- (v) To call for any return and statement and to require a council to take into consideration any objection and to make a written reply thereto Sec. 307
- (vi) Power to enter on and inspect any immovable property and work in progress and record of municipal councils Sec. 306

*Powers**Statutory Reference**(b) Special*

- (i) To rescind, revise or modify the orders passed by Collectors under Section 308 of the Act where the execution of resolution has been suspended on grounds of possible public injury or annoyance, or public interest, or possible breach of the peace or law Sec. 308
- (ii) To enforce performance of duties imposed under the Act where a default has been made by the municipal council. In case of failure to do so to appoint a person to perform the duty and to recover the cost thereof from the council Sec. 312

POWERS OF DIRECTOR, PUNJAB

Note: The Sections mentioned below are from the Punjab Municipal Act, 1911.

1. *Organisation*

- * (i) A councillor willing to resign his office shall submit an application in writing to the Director Sec. 15
- * (ii) Power to approve the election of president Sec. 20(1)
- * (iii) Notification of the member or a president Sec. 24

*In the case of municipalities of the second and third class.

*Powers**Statutory Reference*

- *(iv) For making municipal election enquiries the State Government may appoint a Commission under Section 247. This Commission shall submit its report to the Director Sec. 254
- *(v) On receiving the report of the Commission the Director shall pass orders either declaring the candidate duly elected or declaring the election to be void Sec. 255

2. Personnel

- *(i) Municipality's power to appoint a secretary subject to the Director's approval Sec. 38(1) and (3)
- *(ii) The remuneration of the secretary is subject to previous sanction of the Director -Do-
- *(iii) If in the opinion of the State Government any officer or servant of the committee is negligent in his duties, the committee, on the requirement of the Director, shall suspend, fine or otherwise punish him; and if in the opinion of the Director he is unfit for employment, the municipality shall dismiss him Sec. 41

*Powers**Statutory Reference*3. *Finance*

- * (i) The Director's power to make rules with respect to the priority to be given to the several duties of the committees; municipal fund shall be applicable outside the municipal limits with the sanction of the Director Sec. 52(2)
- ** (ii) Committee's power to levy fees from persons attending a fair subject to previous sanction of the Director Sec. 187
- (iii) Director's power to approve budgets and reappropriation from one head to another, and to regularise excess expenditure of class I municipality Municipal Account Code
- * (iv) To require a municipality to keep minimum balance -Do-
- (v) Limitation of municipality's power of administrative approval (class I municipality) Municipal Works Rules

4. *Administration*(a) *General*

- ** (i) In case of inter-local authority disputes, the matter shall be referred to the Director Sec. 239(3)

*In the case of municipalities of second and third class.

**In the case of all municipalities.

*Powers**Statutory Reference**(b) Special*

- (i) Director's power to suspend any resolution or order of a committee or prohibit the doing of any act, if in his opinion the resolution, order or act is in excess of the powers conferred by law or contrary to the interest of the public or likely to cause waste or damage of municipal funds or property (class I municipality) Sec. 232
- (ii) Director to report to government action taken in respect of powers under Sec. 232 Sec. 235

POWERS OF REGIONAL DEPUTY DIRECTOR, PUNJAB

- Approval of municipal byelaws Sec. 31(2)
- Power to inspect municipal immovable property or work, to call for records, and documents and to make general enquiry into administration Sec. 231(1) and (2)

Powers of Deputy Commissioner under all Sections of the Act except for the purposes of the following sections and matters ancillary thereto and also the matters relating to persons by whom estimates of income and expenditure of committees may be sanctioned:

Secs. 84, 154-C, 167, 225,
Secs. 232, 233 and 235

POWERS OF DIRECTOR, RAJASTHAN

Note: The Sections mentioned below are from the Rajasthan Municipalities Act, 1959.

*Powers**Statutory Reference*1. *Organisation*2. *Personnel*

- | | |
|---|---|
| (i) Powers regarding appointment of all officers of Rajasthan Municipal Service, except appointment of Municipal Commissioners, Revenue Officers of councils, and Health Officers and Engineers and Executive Officers of Class I board | Sec. 307 read with Rule 26 of the Rajasthan Municipal Service, 1963 |
| (ii) Power to transfer all municipal employees except Class IV employees | Rule 38 of the Rajasthan Subordinate and Ministerial Service Rules |
| (iii) Approval of appointment of Assessors of all municipal boards | Secs. 114 and 310 |
| (iv) Disciplinary action against officers indicated at item (ii) above | -Do- |
| (v) To hear appeals of all municipal employees of councils only | Secs. 86 and 310(5) |

3. *Finance*

- | | |
|---|---------|
| (i) To sanction contracts of municipal councils/boards up to Rs. 40,000 | Sec. 80 |
|---|---------|

*Powers**Statutory Reference*

- | | |
|--|-------------|
| (ii) To sanction budgets of Class III, IV, V municipal boards | Sec. 277 |
| (iii) Secondary powers of expenditure of board with the approval of Director | Sec. 101(x) |

*4. Administration**(a) General*

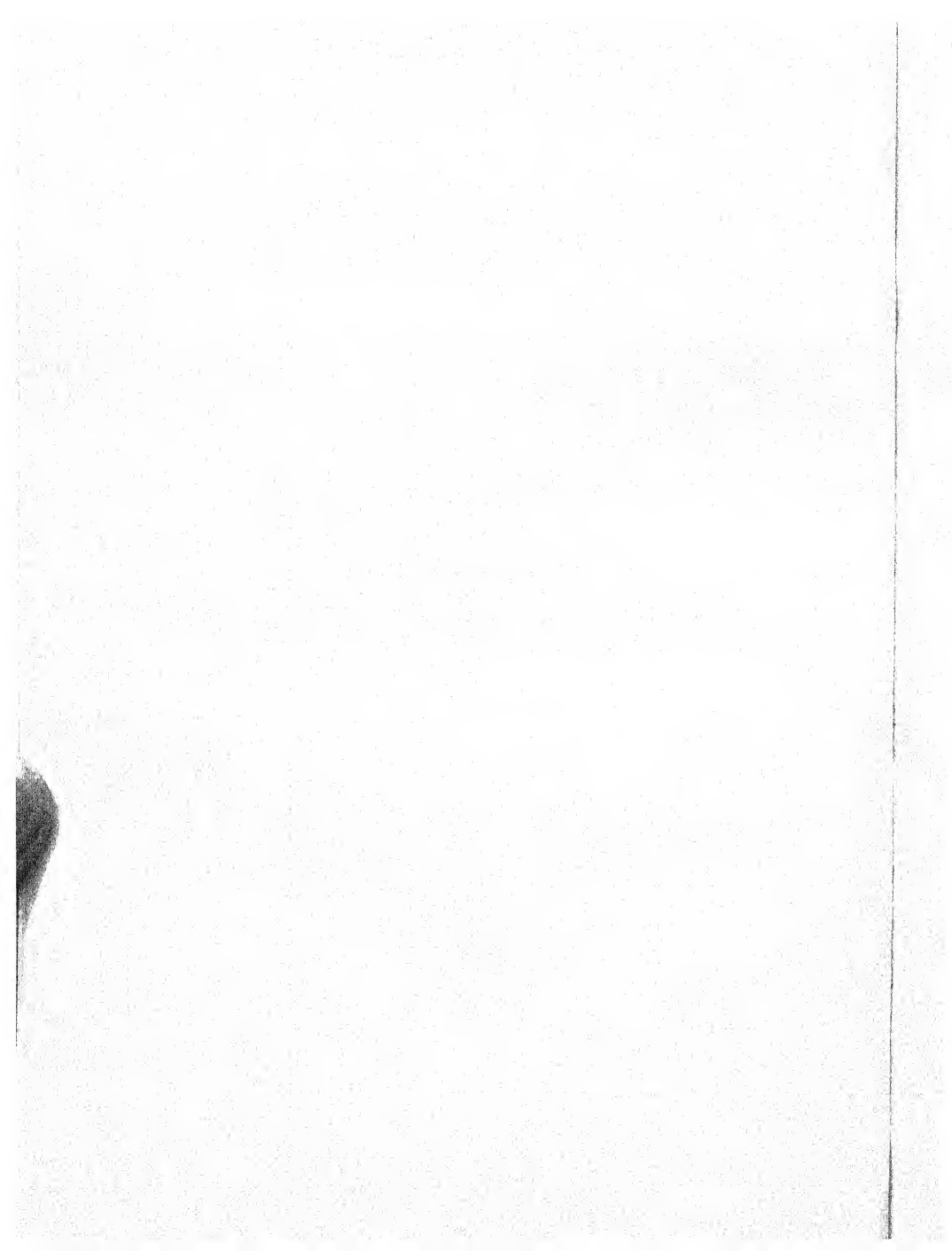
- | | |
|--|-------------------|
| (i) Power to enter on and inspect municipal immovable property and works, call for documents, records etc. | Secs. 283 and 284 |
| (ii) Revisional powers to call for records in connection with the orders of Collectors or any other officers appointed under the Act | Sec. 300 |

(b) Special

- | | |
|---|------------------|
| (i) To suspend the execution of a resolution of a municipal board if it is unlawful, causes injury, annoyance or inconvenience or breach of the peace | Sec. 285 |
| (ii) Removal of members of municipal boards/councils in some cases | Sec. 63(1)(a)(b) |
-

APPENDIX C

**MAJOR POWERS OF THE DISTRICT COLLECTORS
IN RESPECT OF MUNICIPAL BODIES**



POWERS OF COLLECTOR, ANDHRA PRADESH

Note : The Sections mentioned below are from the Andhra Pradesh Municipalities Act, 1965.

Powers

Statutory Reference

1. *Organisation*

- (i) Collector is the appellate authority against orders rejecting the nomination of a candidate for municipal elections by the election officer and is to convene a special meeting of the council in special and selection grade municipalities for the purpose of election of chairman. He has also to convene a meeting of the council for the consideration of the no-confidence motion against chairman and vice-chairman in special and selection grade municipalities

Rule 11(2) relating to conduct of election of councillors

2. *Personnel*

—

—

3. *Finance*

- (i) Approval of the Collector shall be obtained for transfer of any property of the municipal councils at a cost not exceeding Rs. 10,000

Rule 4 of the Rules issued in G.O. dated 27.10.67

- (ii) Power to accord previous sanction to exempt any particular part of a municipality from the payment of the whole, or a portion of water and drainage tax or the lighting tax

Sec. 88(3)

*Powers**Statutory Reference*4. *Administration*(a) *General*

- (i) Power to enter on and inspect or cause to be entered on and inspected any immovable property or any work in progress under the control of any municipality in the district, to call for any document, information or report on any municipal matter and to record in writing for consideration Sec. 67
- (ii) Previous approval of Collector shall be obtained if a municipality proposes to acquire any immovable property otherwise than under the provisions of the Land Acquisition Act, 1894 Sec. 42(2)
- (iii) Annual report on administration shall be sent by the council to the Government through the Collector Sec. 34
- (iv) Copies of the minutes of proceedings of council meetings shall be sent to Collector within three days. The chairman shall submit to Collector any minute of dissent forwarded to him within 48 hours of the meeting Rule 10 of the Rules in Schedule I of the Act

*Powers**Statutory Reference**(b) Special*

- (i) In case of emergency, Sec. 68
direct or provide for the
execution of any work
which is necessary for the
safety of the public and
may direct that the expenses incurred for executing
such work shall be paid
from the municipal fund
- (ii) Power to order the municipal secretary to pay in Sec. 64(3)
priority to any other
charges against municipal
fund the expenses incurred
by the Government under
Section 64 of the Act
- (iii) Power to suspend the Sec. 70
resolution, order, licence,
permission or act as the
case may be pending
further action if in his
opinion immediate action
is necessary, and report
to Government
- (iv) Power to send a report to Sec. 66
Government if it appears
to him that the chairman
of the municipal council
or the executive committee
has made default in carrying out any resolution of
the council

POWERS OF COLLECTOR, GUJARAT

Note : The Sections mentioned below are from the Gujarat Municipalities Act, 1963.

*Powers**Statutory Reference*

1. Organisation

- | | |
|--|--------------------|
| (i) Collector to receive local objections against proposal to declare an area as a municipal borough or to include in or exclude from the municipal borough any area: Collector to expedite despatch of objections to State Government | Sec. 4(2)(a) & (c) |
| (ii) Officer to be designated by Collector to maintain municipal list of voters | Sec. 9(2) |
| (iii) Collector to call the first general meeting of the municipality after general election; this meeting to be presided over by Collector or an officer appointed by him | Sec. 32(1)(2) |
| (iv) Collector to receive resignation letter of president | Sec. 35(1) |
| (v) Collector to decide whether a vacancy has arisen in the council | Sec. 38(2) |
| (vi) Collector to arrange for holding of election to fill in the vacancy | Sec. 42(2) |
| (vii) Collector to authorise chairman of a committee to be the temporary president in case of vacancy in the posts of president and vice-president | Sec. 42(7) |

<i>Powers</i>		<i>Statutory Reference</i>
(viii) Collector to call a general meeting of the council in case of failure to call such a meeting by president and vice-president		Sec. 51(2)
2. <i>Personnel</i>	—	—
3. <i>Finance</i>	—	—
4. <i>Administration</i>		
(a) <i>General</i>		
(i) Chief Officer to furnish to Collector copy of every municipal resolution		Sec. 49(d)
(ii) Collector to hold formal enquiry and decide claims to property by or against the municipality		Sec. 81(1)
(iii) Previous permission of Collector needed in case of offer by municipality of a nominal bid in the auction of immovable property		Sec. 134(4)
(iv) Regular line of public streets shall not be changed without the sanction of Collector		Sec. 150 proviso
(v) Power of Collector to inspect and supervise the municipalities		Sec. 257(1)
(vi) Power to call for record, return, etc., and to require a municipality to take into consideration any of his objections to any municipal activity		Sec. 257(2)

*Powers**Statutory Reference**(b) Special*

- | | |
|--|------------|
| (i) In case of emergency Collector (or Mamlatdar) to direct municipality to extend services outside its limits | Sec. 85(1) |
| (ii) Collector's power to compel municipality to take measures in case of outbreak of dangerous disease | Sec. 215 |
| (iii) Power to suspend municipal resolution, order or act | Sec. 258 |
| (iv) Emergency powers of the Collector to provide for the execution of any work at the expense of municipality | Sec. 259 |

POWERS OF COLLECTOR, KERALA

Note : The Sections mentioned below are from the Kerala Municipalities Act, 1960.

1. *Organisation*

- | | |
|--|-----------------|
| (i) Delegation of chairman's functions to be communicated to Collector | Sec. 26(3)(iii) |
|--|-----------------|

2. *Personnel*

—

—

3. *Finance*

- | | |
|--|--|
| (i) Approval of Collector necessary for payment in excess of a certain valuation | Under rules regarding acquisition and transfer of immovable property |
|--|--|

*Powers**Statutory Reference*4. *Administration*(a) *General*

- (i) Power to inspect municipal immovable property or work, to call for document, return, plan, estimate, information and to record in writing for the consideration of council his observations Sec. 43
- (ii) In evicting a person in occupation of municipal land or land under municipal control, refusal to vacate land or resistance or obstruction by the person may be reported to Collector who shall then hold an enquiry, and may issue warrant of arrest Sec. 217(B)(b)

(b) *Special*

- (i) In case of default by Commissioner in carrying out municipal resolution, the Collector to report it to Government Sec. 44
- (ii) In the interest of immediate action Collector may suspend resolutions, order, licence, permission or act in certain cases and report to Government Sec. 45(2)
- (iii) In emergencies the Collector may direct or provide for the execution of any work at the expense of the municipality (He is to report it to Government and Director) Sec. 46

POWERS OF COLLECTOR, MAHARASHTRA

Note : The Sections mentioned below are from the Maharashtra Municipalities Act, 1965.

*Powers**Statutory Reference*1. *Organisation*

- | | |
|--|-------------------------|
| (i) To conduct elections of councils and issue programmes of elections and publish names of elected councillors in gazette | Secs. 17, 19, 20 and 51 |
| (ii) To decide the cases of disqualifications of councillors | Secs. 44 and 45 |
| (iii) To conduct the elections of president and vice-president | Sec. 51 |
| (iv) To accept the resignations of president | Sec. 53 |
| (v) To convene a meeting to decide the requisitions received for removal of president and vice-president | Sec. 54 |
| (vi) In case of refusal, to require the president and vice-president to hand over the charge of office to the successors | Sec. 57 |

2. *Personnel*

- | | |
|---|---------------|
| (i) To decide cases referred to him by the councils in regard to dismissal of any officer or servant holding a permanent post the minimum salary of which is Rs. 75 or more | Sec. 79(4)(5) |
|---|---------------|

*Powers**Statutory Reference*3. *Finance*

- (i) To accord sanction to the councils to incur expenditure from Salary Reserve Fund if such expenditure cannot be incurred from unreserved funds of the council Sec. 91
- (ii) To accord sanction to municipal expenditure on public receptions, entertainment, ceremonies, etc., if the expenditure is beyond the permissible limits Sec. 49
- (iii) To accord approval to depositing surplus funds of councils in Government Treasury or such other places of security Sec. 99
- (iv) To approve the write off of cases of any irrecoverable tax if the amount of the tax is more than Rs. 100 Sec. 167

4. *Administration*(a) *General*

- (i) To decide the claims to properties by or against the councils Sec. 89
- (ii) To sanction all the bye-laws framed by the councils except those on taxation Sec. 322

*Powers**Statutory Reference*

- (iii) To enter on and inspect any immovable property of the council or any work in progress and to call for any extract of proceeding of the council or any book or document Sec. 306
 - (iv) To call for any return, statement, amount or report and to require the council to consider any objection to anything being done or about to be done, and to give in writing in reasonable time the reasons for doing it Sec. 307
- (b) *Special*
 - (i) To suspend the execution or prohibit the doing of anything by an order in writing if it is causing or likely to cause injury or annoyance to the public or lead to breach of the peace or is unlawful Sec. 308
 - (ii) In case of emergency, to provide for execution of any work or the doing of anything which the municipal council is empowered to do, if it is necessary for the health or safety of the public and to direct the council to pay the expenses of doing the work and remuneration to the person appointed to do the work Sec. 309

POWERS OF DEPUTY COMMISSIONER, PUNJAB

Note : The Sections mentioned below are
from the Punjab Municipal Act,
1911.

<i>Powers</i>	<i>Statutory Reference</i>
1. Organisation	
(i) Public objections to the constitution or alteration of limits of municipality for any area to be submitted to State Government through D.C.	Secs. 4(5) and 5(2)
(ii) Councillor willing to resign has to submit application to State Government through D.C.	Sec. 15
(iii) D.C. to notify election of members of municipalities of second and third class	Sec. 24(1)
2. Personnel	—
3. Finance	—
(i) Power of D.C. to prevent extravagance in establishment expenditure	Sec. 42
(ii) D.C. to surcharge every person liable for the loss, waste or mis-application of municipal fund or property	Sec. 50(1)
(iii) Previous sanction of D.C. for depositing municipal fund with any banker or person in certain situations	Sec. 54(2)
(iv) Investment of municipal fund with the previous sanction of D.C.	Sec. 55(1)

*Powers**Statutory Reference*

- | | |
|---|------------------------|
| (v) Proposals for taxation together with objections to be submitted to the D.C. in certain cases | Sec. 62(6)(7) |
| (vi) Taxes when payable and in how many instalments to be fixed by committee with the previous sanction of D.C. | Sec. 79 |
| (vii) Collection of octroi or terminal tax or toll may be levied with the previous sanction of D.C. | Sec. 83 |
| (viii) Appeals against taxation to D.C. | Sec. 84(1) |
| (ix) Fees for licenses for regulating offensive and dangerous trades to be fixed with the approval of D.C. | Sec. 121(3) |
| (x) D.C. to decide appeal of aggrieved persons against compensations awarded by the municipality in certain cases | Sec. 154-C |
| (xi) Municipality may levy fees at fairs with the previous sanction of D.C. | Sec. 187 |
| (xii) Power to sanction budgets, re-appropriation from one head to another and to regularise excess expenditure (in respect of Class II and III municipalities) | Municipal Account Code |

*4. Administration**(a) General*

- | | |
|---|------------|
| (i) Copy of every municipal resolution shall be forwarded to D.C. | Sec. 30(2) |
|---|------------|

*Powers**Statutory Reference*

- (ii) Previous permission of D.C. is necessary when any member, officer or servant of a municipality voluntarily renders himself interested in any contract with the municipality Sec. 48(1)
 - (iii) Municipality to fix sites for slaughter places with the approval of D.C. Sec. 167(1)
 - (iv) Appeals from municipal orders relating to buildings and streets to lie to D.C. Sec. 225(1)
 - (v) Inter-local authority disputes to be referred to D.C. Sec. 239(1)
 - (vi) Power to enter or inspect any immovable property or work, or call for any document, statement, accounts, reports, etc., and to inquire generally into the affairs of a committee with a view to ascertaining whether a municipality is being administered satisfactorily; to record in writing for the consideration of the municipality any observations Sec. 231
- (b) *Special*
- (i) Power to provide for performance of duties in case of default of municipality Sec. 234
 - (ii) Power to provide for execution of any work in emergency at the expense of the municipality Sec. 233

*Powers**Statutory Reference*

- | | | |
|-------|---|----------|
| (iii) | Power to suspend resolutions, order or act if it is in excess of powers or contrary to public interest or is likely to cause waste or damage of municipal funds or property, or is likely to lead to breach of the peace; to encourage lawlessness, or to cause injury or annoyance to public | Sec. 232 |
| (iv) | Power to compel committee to draw up a building scheme for built areas and a town planning scheme for unbuilt areas. Schemes to be submitted to D.C. who will pass it on to the State Government | Sec. 192 |

POWERS OF COLLECTOR, RAJASTHAN

*Powers**Statutory Reference*1. *Organisation*

- | | | |
|------|--|-------------|
| (i) | To receive objection for establishment of municipality or extension of its boundary limits | Sec. 6 |
| (ii) | To receive resignation of chairman | Sec. 65(12) |

2. *Personnel*

- | | | |
|------|--|-------------|
| (i) | To hear appeal by sweeper or scavenger when he is discharged, dismissed or removed | Sec. 26(2) |
| (ii) | To hear appeal by employees of the municipal boards | Sec. 310(5) |

*Powers**Statutory Reference*3. *Finance*

- (i) To sanction contracts of more than Rs. 5,000 Sec. 80(5)
- (ii) To hear appeal against taxation Sec. 139
- (iii) To receive annual accounts finally passed by a municipal board or municipal council Sec. 281

4. *Administration*(a) *General*

- (i) Copy of resolution passed by municipal board to be sent to Collector Sec. 67(f)
- (ii) Permission for possession of Government land from Collector Sec. 166(2)
- (iii) General powers of enquiry and inspection Sec. 283

(b) *Special*

- (i) Suspension of resolution or orders of municipal boards or its officers Sec. 285(1)

